

## SEVENTIETH DAY

(Wednesday, May 10, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Galbreath
Allen	Gilmer
Allison	Goodman
Alsup	Gordon, Mrs.
Anderson	Hale
Bailey	Hamilton
Baker	Hankamer
of Fort Bend	Hardeman
Baker of Grayson	Hardin
Bell	Harp
Blankenship	Harper
Boethel	Harrell of Bastrop
Bond	Harrell of Lamar
Boyd	Harris
Boyer	Hartzog
Bradbury	Heflin
Bradford	Holland
Bray	Howard
Bridgers	Howington
Broadfoot	Hull
Brown of Cherokee	Hunt
Brown	Isaacks
of Nacogdoches	Johnson of Ellis
Bundy	Johnson of Tarrant
Burkett	Keith
Burney	Kennedy
Cauthorn	Kern
Celaya	Kerr
Chambers	Kersey
Clark	Kinard
Cockrell	King
Coleman	Langdon
Colquitt	Lehman
Colson, Mrs.	Leonard
Cornett	Leyendecker
Corry	Little
Crossley	Lock
Daniels	Loggins
Davis of Jasper	London
Davis of Upshur	McAlister
Dean	McDaniel
Derden	McDonald
Dickison	McFarland
Dickson	McMurry
Donaghey	McNamara
Dowell	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Fuchs	Oliver

Pace	Spencer
Petsch	Stinson
Pevehouse	Stoll
Piner	Talbert
Pope	Tarwater
Ragsdale	Taylor
Reader of Bexar	Tennant
Reader of Erath	Thornberry
Reaves	Thornton
Reed	Turner
Rhodes	Vale
Riviere	Vint
Roach	Voigt
Roberts	Waggoner
Robinson	Weldon
Schuenemann	Wells
Segrist	Westbrook
Shell	White
Skiles	Wilson
Smith of Frio	Winfree
Smith of Hopkins	Wood
Smith	Worley
of Matagorda	Wright

## Absent—Excused

Cleveland	Russell
Mays	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, as we think of Thy majesty and Thy wisdom we are humbled and feel to ask, 'What is man that Thou art mindful of him, or the children of men that Thou visitest them?' Yet in Thy word Thou hast bidden us to ask that we may receive. Wilt Thou supply our needs from Thine own divine store, and direct our efforts. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Mays for today, on motion of Mr. Bell.

Mr. Wells for today, on motion of Mr. Morris.

The following Members were granted leaves of absence on account of illness:

Mr. Cleveland for today, on account of a death in his family, on motion of Mr. Fielden.

Mr. Russell for today, on motion of Mr. Reader of Erath.

RELATIVE TO RESOLUTION  
PERIOD

Mr. Thornton moved that the House dispense with the consideration of resolutions, at this time.

The motion prevailed by the following vote:

Yeas—94

Allen	Kersey
Allison	Kinard
Alsup	King
Anderson	Lehman
Bailey	Little
Baker of Grayson	London
Boethel	McAlister
Bond	McDaniel
Boyer	McDonald
Bradford	McFarland
Bray	McMurry
Bridgers	Mohrmann
Broadfoot	Newell
Brown of Cherokee	Nicholson
Bundy	Oliver
Cauthorn	Pace
Celaya	Petsch
Chambers	Pevehouse
Clark	Ragsdale
Cockrell	Reader of Bexar
Colson, Mrs.	Reader of Erath
Corry	Reed
Daniel	Rhodes
Davis of Jasper	Riviere
Davis of Upshur	Roach
Dean	Roberts
Derden	Robinson
Dickison	Schuenemann
Donaghey	Shell
Faulkner	Skiles
Fielden	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Smith
Gilmer	of Matagorda
Goodman	Spencer
Hankamer	Stinson
Hardin	Stoll
Harp	Tarwater
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Holland	Vale
Howard	Voigt
Howington	Waggoner
Hunt	Weldon
Johnson of Ellis	Westbrook
Kennedy	Wilson
Kern	Winfree
Kerr	

Nays—24

Bell	Ferguson
Burney	Gordon, Mrs.
Coleman	Hale
Cornett	Hamilton

Hardeman	Montgomery
Heflin	Reaves
Isaacks	Segrist
Johnson of Tarrant	Tennant
Langdon	Thornberry
Leyendecker	White
McNamara	Wood
Monkhouse	Worley

Present—Not Voting

Brown  
of Nacogdoches

Absent

Baker	Hull
of Fort Bend	Keith
Blankenship	Leonard
Boyd	Lock
Bradbury	Loggins
Burkett	Morris
Colquitt	Piner
Crossley	Pope
Dickson	Talbert
Dowell	Taylor
Felty	Vint
Harper	Wright
Harris	

Absent—Excused

Cleveland	Mays
Dwyer	Russell
Hartzog	Wells

Mr. Hardin moved a call of the House, for the purpose of maintaining a quorum until 12:00 o'clock noon, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—80

Allen	Daniel
Allison	Davis of Jasper
Alsup	Dickison
Anderson	Donaghey
Bailey	Felty
Blankenship	Ferguson
Bond	Fielden
Boyer	Fuchs
Bradford	Galbreath
Bray	Gilmer
Broadfoot	Goodman
Brown of Cherokee	Hamilton
Bundy	Hankamer
Burkett	Hardin
Chambers	Harp
Clark	Harper
Colquitt	Harrell of Bastrop
Colson, Mrs.	Harrell of Lamar
Corry	Holland
Crossley	Howington

Hull	Rhodes
Johnson of Ellis	Roberts
Johnson of Tarrant	Smith of Frio
Kennedy	Smith of Hopkins
Kersey	Smith
Lehman	of Matagorda
Leonard	Spencer
Leyendecker	Stinson
Little	Tarwater
Lock	Taylor
McAlister	Tennant
McDaniel	Thornton
McDonald	Turner
McMurry	Vale
Nicholson	Voigt
Oliver	Waggoner
Pace	Westbrook
Petsch	Wilson
Pevehouse	Worley
Reader of Bexar	Wright
Reader of Erath	

## Nays—49

Baker of Grayson	Langdon
Bell	London
Boethel	McNamara
Boyd	Mohrmann
Bradbury	Monkhouse
Bridgers	Montgomery
Burney	Morris
Cauthorn	Newell
Cockrell	Ragsdale
Coleman	Reed
Cornett	Reaves
Davis of Upshur	Riviere
Derden	Roach
Dowell	Robinson
Faulkner	Schuenemann
Gordon, Mrs.	Skiles
Hardeman	Stoll
Harris	Talbert
Howard	Thornberry
Hunt	Vint
Isaacks	Weldon
Keith	White
Kern	Winfree
Kerr	Wood
King	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Baker	Kinard
of Fort Bend	Loggins
Celaya	McFarland
Dean	Piner
Dickson	Pope
Hale	Segrist
Heflin	Shell

## Absent—Excused

Cleveland	Mays
Dwyer	Russell
Hartzog	Wells

Mr. Hardin moved to reconsider the vote by which the call of the House was ordered, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Hardin moved that the Sergeant-at-Arms be instructed to bring in all absent Members within the city who are not ill.

The motion prevailed by the following vote:

## Yeas—77

Allen	Kinard
Allison	Lehman
Alsup	Leonard
Bailey	Leyendecker
Blankenship	Little
Bond	Lock
Boyer	McAlister
Bradford	McDaniel
Bray	McDonald
Brown of Cherokee	McFarland
Burkett	McMurry
Celaya	Monkhouse
Chambers	Montgomery
Clark	Nicholson
Cockrell	Oliver
Colson, Mrs.	Pace
Corry	Petsch
Crossley	Pevehouse
Daniel	Reader of Erath
Davis of Jasper	Reed
Donaghey	Rhodes
Ferguson	Roach
Fielden	Roberts
Galbreath	Shell
Gilmer	Smith of Frio
Goodman	Smith of Hopkins
Hamilton	Stinson
Hankamer	Tarwater
Hardin	Taylor
Harp	Tennant
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Holland	Vale
Howington	Waggoner
Hull	Westbrook
Johnson of Ellis	Wilson
Johnson of Tarrant	Worley
Kennedy	Wright
Kersey	

## Nays—44

Anderson	Boethel
Baker of Grayson	Boyd
Bell	Bradbury

Bridgers	King	Davis of Jasper	McFarland
Burney	Langdon	Davis of Upshur	McMurry
Cauthorn	London	Dean	McNamara
Coleman	McNamara	Derden	Mohrmann
Cornett	Mohrmann	Dickison	Monkhouse
Davis of Upshur	Morris	Dickson	Montgomery
Derden	Newell	Donaghey	Morris
Dickison	Reaves	Dowell	Newell
Dowell	Riviere	Faulkner	Nicholson
Faulkner	Robinson	Felty	Oliver
Gordon, Mrs.	Schuenemann	Ferguson	Pace
Hardeman	Skiles	Fielden	Petsch
Harris	Stoll	Fuchs	Pevehouse
Howard	Talbert	Galbreath	Piner
Hunt	Thornberry	Gilmer	Pope
Isaacks	Vint	Goodman	Ragsdale
Keith	White	Gordon, Mrs.	Reader of Bexar
Kern	Winfree	Hale	Reader of Erath
Kerr	Wood	Hamilton	Reaves
Present—Not Voting		Hankamer	Reed
Brown		Hardeman	Rhodes
of Nacogdoches		Hardin	Riviere
Absent		Harp	Roach
Baker	Loggins	Harper	Roberts
of Fort Bend	Piner	Harrell of Bastrop	Robinson
Broadfoot	Pope	Harrell of Lamar	Schuenemann
Bundy	Ragsdale	Harris	Segrist
Colquitt	Reader of Bexar	Hartzog	Shell
Dean	Segrist	Heflin	Skiles
Dickson	Smith	Holland	Smith of Frio
Felty	of Matagorda	Howard	Smith of Hopkins
Fuchs	Spencer	Howington	Smith
Hale	Voigt	Hull	of Matagorda
Harper	Weldon	Hunt	Spencer
Heflin		Isaacks	Stinson
Absent—Excused		Johnson of Ellis	Stoll
Cleveland	Mays	Johnson of Tarrant	Talbert
Dwyer	Russell	Keith	Tarwater
Hartzog	Wells	Kennedy	Taylor
The roll of the House was called, and the following Members were present:		Kern	Tennant
Mr. Speaker	Brown of Cherokee	Kerr	Thornberry
Allen	Brown	Kersey	Thornton
Allison	of Nacogdoches	Kinard	Turner
Alsup	Bundy	King	Vale
Anderson	Burkett	Langdon	Vint
Bailey	Burney	Lehman	Voigt
Baker of Grayson	Cauthorn	Leonard	Waggoner
Bell	Celaya	Leyendecker	Weldon
Blankenship	Chambers	Little	Westbrook
Boethel	Clark	Lock	White
Bond	Cockrell	Loggins	Wilson
Boyd	Coleman	London	Winfree
Boyer	Colquitt	McAlister	Wood
Bradbury	Colson, Mrs.	McDaniel	Worley
Bradford	Cornett	McDonald	Wright
Bray	Corry	Absent	
Bridgers	Crossley	Baker	
Broadfoot	Daniel	of Fort Bend	
		Absent—Excused	
		Cleveland	Russell
		Dwyer	Wells
		Mays	

SENATE JOINT RESOLUTION NO.  
12 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. J. R. No. 12, Proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a Section to be known as Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax.

The resolution was read third time.

(Pending consideration of the resolution, Mr. Leonard occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Hardin moved that the call of the House be extended until Senate Joint Resolution No. 12 is disposed of, and the motion was duly seconded.

Question recurring on the motion by Mr. Hardin, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—82

Allen	Harper
Allison	Harrell of Bastrop
Alsup	Holland
Bailey	Howington
Bell	Hull
Blankenship	Johnson of Ellis
Bond	Johnson of Tarrant
Boyer	Kennedy
Bradbury	Kersey
Bradford	Kinard
Brown of Cherokee	Lehman
Broadfoot	Leonard
Bundy	Lock
Burkett	Loggins
Celaya	McAlister
Chambers	McDaniel
Clark	McDonald
Colquitt	McFarland
Colson, Mrs.	McMurry
Corry	McNamara
Crossley	Mohrmann
Davis of Jasper	Newell
Dean	Nicholson
Dickison	Oliver
Dickson	Pace
Donaghey	Petsch
Ferguson	Pevehouse
Fielden	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Rhodes
Gilmer	Roberts
Goodman	Robinson
Hankamer	Segrist
Hardin	Smith of Frio
Harp	Smith of Hopkins

Smith	Vale
of Matagorda	Voigt
Spencer	Westbrook
Stinson	Wilson
Taylor	Worley
Thornton	Wright
Turner	

Nays—53

Anderson	Keith
Baker of Grayson	Kern
Boethel	Kerr
Boyd	King
Bray	Langdon
Bridgers	Leyendecker
Brown	London
of Nacogdoches	Monkhouse
Burney	Montgomery
Cauthorn	Morris
Cockrell	Piner
Coleman	Reaves
Cornett	Riviere
Daniel	Roach
Davis of Upshur	Schuenemann
Derden	Shell
Dowell	Skiles
Faulkner	Stoll
Gordon, Mrs.	Tarwater
Hale	Tennant
Hardeman	Thornberry
Harrell of Lamar	Vint
Harris	Waggoner
Heflin	Weldon
Howard	White
Hunt	Winfree
Isaacks	Wood

Absent

Baker	Pope
of Fort Bend	Ragsdale
Felty	Reed
Hamilton	Talbert
Little	

Absent—Excused

Cleveland	Mays
Dwyer	Russell
Hartzog	Wells

Mr. Hardin moved to reconsider the vote by which the call of the House was extended, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—80

Allen	Blankenship
Allison	Bond
Alsup	Boyer
Bailey	Bradford

Broadfoot	Kinard
Brown of Cherokee	Lehman
Bundy	Leonard
Burkett	Lock
Burney	McAlister
Celaya	McDaniel
Chambers	McDonald
Clark	McFarland
Cockrell	McMurry
Colquitt	McNamara
Colson, Mrs.	Monkhouse
Corry	Newell
Crossley	Nicholson
Davis of Jasper	Oliver
Dean	Pace
Dickson	Petsch
Donaghey	Pevehouse
Felty	Piner
Fielden	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Roberts
Gilmer	Schuenemann
Goodman	Segrist
Hamilton	Shell
Hankamer	Smith of Hopkins
Hardin	Spencer
Harp	Stinson
Harper	Taylor
Harrell of Bastrop	Tennant
Holland	Thornton
Howington	Turner
Hull	Vale
Johnson of Ellis	Voigt
Johnson of Tarrant	Westbrook
Kennedy	Wilson
Kersey	Wright

## Nays—55

Anderson	Isaacks
Baker of Grayson	Keith
Bell	Kern
Boethel	Kerr
Boyd	King
Bradbury	Langdon
Bray	Leyendecker
Bridgers	Loggins
Cauthorn	London
Coleman	Mchrmann
Cornett	Montgomery
Daniel	Morris
Davis of Upshur	Reaves
Derden	Rhodes
Dickison	Riviere
Dowell	Roach
Faulkner	Robinson
Ferguson	Skiles
Gordon, Mrs.	Smith of Frio
Hale	Smith
Hardeman	of Matagorda
Harrell of Lamar	Stoll
Harris	Tarwater
Heflin	Thornberry
Howard	Vint
Hunt	Waggoner

Weldon	Winfree
White	Wood

## Present—Not Voting

Brown
of Nacogdoches

## Absent

Baker	Ragsdale
of Fort Bend	Reed
Little	Talbert
Pope	Worley

## Absent—Excused

Cleveland	Mays
Dwyer	Russell
Hartzog	Wells

(Pending consideration of the resolution, Mr. Thornton occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Kerr moved the previous question, on Senate Joint Resolution No. 12, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—88

Allison	Galbreath
Alsup	Gilmer
Anderson	Gordon, Mrs.
Baker of Grayson	Hale
Bell	Hamilton
Boethel	Hankamer
Boyd	Harp
Boyer	Harrell of Bastrop
Bray	Harrell of Lamar
Bundy	Hartzog
Burkett	Heflin
Burney	Howington
Cauthorn	Hull
Celaya	Johnson of Ellis
Chambers	Johnson of Tarrant
Cockrell	Keith
Coleman	Kerr
Colquitt	Kersey
Cornett	Kinard
Corry	Langdon
Crossley	Lehman
Daniel	Little
Davis of Jasper	McDaniel
Dickison	McDonald
Dickson	McMurry
Donaghey	Mohrmann
Dowell	Montgomery
Faulkner	Morris
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Pace

Pevehouse  
Reader of Bexar  
Reed  
Rhodes  
Riviere  
Roberts  
Robinson  
Schuenemann  
Shell  
Smith of Frio  
Smith of Hopkins  
Spencer  
Talbert

Tarwater  
Thornberry  
Thornton  
Turner  
Vint  
Voigt  
Weldon  
Wells  
Westbrook  
White  
Winfree  
Worley  
Wright

## Nays—49

Allen	Loggins
Bailey	London
Bond	McAlister
Bradbury	McFarland
Bradford	McNamara
Bridgers	Monkhouse
Broadfoot	Newell
Clark	Petsch
Colson, Mrs.	Piner
Davis of Upshur	Ragsdale
Dean	Reader of Erath
Derden	Reaves
Goodman	Roach
Hardeman	Segrist
Hardin	Skiles
Harris	Smith
Holland	of Matagorda
Howard	Stinson
Hunt	Stoll
Isaacks	Taylor
Kennedy	Tennant
Kern	Vale
King	Waggoner
Leyendecker	Wilson
Lock	Wood

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Baker	Felty
of Fort Bend	Harper
Blankenship	Leonard
Brown of Cherokee	Mays
Cleveland	Pope
Dwyer	

## Absent—Excused

Russell

Question—Shall Senate Joint Resolution No. 12 be passed?

Senate Joint Resolution No. 12 failed to pass by the following vote, (not receiving the necessary two-thirds vote):

## Yeas—83

Allen	Alsup
Allison	Bailey

Bond	Kennedy
Boyer	Kersey
Bradford	Lehman
Bray	Leonard
Broadfoot	Little
Brown of Cherokee	Lock
Brown	McAlister
of Nacogdoches	McDaniel
Bundy	McDonald
Burkett	McFarland
Celaya	McMurry
Chambers	Monkhouse
Clark	Nicholson
Cleveland	Oliver
Colquitt	Pace
Colson, Mrs.	Petsch
Corry	Pevehouse
Crossley	Ragsdale
Davis of Jasper	Reader of Bexar
Dean	Reader of Erath
Dickson	Reed
Donaghey	Rhodes
Dwyer	Roach
Felty	Roberts
Ferguson	Schuenemann
Fielden	Segrist
Gilmer	Shell
Goodman	Smith of Frio
Hankamer	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson
Harrell of Lamar	Taylor
Hartzog	Tennant
Holland	Thornton
Howard	Turner
Howington	Voigt
Hull	Westbrook
Johnson of Ellis	Wright
Johnson of Tarrant	

## Nays—61

Anderson	Hale
Baker of Grayson	Hamilton
Bell	Hardeman
Blankenship	Harris
Boethel	Heflin
Boyd	Hunt
Bradbury	Isaacks
Bridgers	Keith
Burney	Kern
Cauthorn	Kerr
Cockrell	Kinard
Coleman	King
Cornett	Langdon
Daniel	Leyendecker
Davis of Upshur	Loggins
Derden	London
Dickson	McNamara
Dowell	Mohrmann
Faulkner	Montgomery
Galbreath	Morris
Gordon, Mrs.	Newell

Piner	Vale
Pope	Vint
Reaves	Waggoner
Riviere	Weldon
Robinson	Wells
Skiles	White
Stoll	Wilson
Talbert	Winfree
Tarwater	Wood
Thornberry	

Present—Not Voting

Fuchs	Worley
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Absent

Baker  
of Fort Bend

Absent—Excused

Mays	Russell
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PAIRED

Mr. Worley (present), who would vote "yea", with Mr. Mays (absent), who would vote "nay".

Mr. Fuchs (present), who would vote "yea", with Mr. Baker of Fort Bend (absent), who would vote "nay".

#### REASONS FOR VOTE

I vote "yea", not because I believe in S. J. R. No. 12, but in keeping with my promise made last summer, "That before I would let our old people go without assistance I would vote for a sales tax." But I must say that I see in S. J. R. No. 12 only the shadow of the piece of a loaf, an inferior bird in the bush, if you please, that was promised our old people. And furthermore, I am fearful, that in the end, it will prove a sore disappointment to them. This constitutional complex that has so insidiously gripped the majority Members of this Legislature has ingeniously defeated every effort to provide immediate relief for our old people.

I promise to continue to work for something more tangible and definite for old age assistance, and I will not vote for sine die adjournment until something more is accomplished along this line.

BROWN of Nacogdoches.

I voted against S. J. R. No. 12 because I think this Forty-sixth Legislature is remiss in duty in not providing taxes by law for the aged, the teacher's retirement fund, the needy blind, and for not endeavoring to balance the State budget. The amendment in our Constitution for the bene-

fit of the Confederate Veterans never brought in the money and has a great deficit. Why propose to the poor people that they vote and pay for a tax to provide pensions for the poor, etc.? And should the proposed amendment to the Constitution fail, where are we? The Constitution of our fathers gives the Legislature authority to pass all necessary tax laws. Let us do our duty considering the old time maxim of ability to pay.

DOWELL.

#### SPECIAL ORDER SET

Mr. Thornton asked unanimous consent of the House, that Senate Bill No. 427 be set for special order at 10:00 o'clock a. m., tomorrow.

There was no objection offered, and it was so ordered.

#### TO PROVIDE FOR ADJOURNMENT SINE DIE

Mr. Johnson of Tarrant offered the following resolution:

H. C. R. No. 127, To provide for adjournment sine die.

Whereas, The 120 day Session of the Legislature will expire next Tuesday, May 9, at midnight; and

Whereas, The calendar of the Legislature is congested and progress toward clearing said calendar cannot reasonably be expected during the Regular Session of the Legislature; and

Whereas, It is important and highly desirable that a day certain be named sine die; and

Whereas, Unless a day certain is named we will not know when the Rules of the House with reference to the limitation of the discussion of bills, the Seventy-two Hour Rule, the Forty-eight Hour Rule and other rules of procedure apply; now, therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, the Senate concurring, That the Regular Session of the Forty-sixth Legislature adjourn sine die on Saturday, May 13, 1939, at 12:00 o'clock noon.

JOHNSON of Tarrant,  
McALISTER.

The resolution was read second time.

Mr. Morris moved that the resolution be tabled.



Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—113

Allen	Kern
Allison	Kerr
Alsup	Kersey
Anderson	Kinard
Bailey	Langdon
Baker of Grayson	Lehman
Bell	Leyendecker
Blankenship	Little
Boethel	Lock
Bond	Loggins
Boyd	London
Bradbury	McDaniel
Bray	McDonald
Bridgers	McMurry
Brown of Cherokee	McNamara
Brown of Nacogdoches	Mohrmann
Bundy	Monkhouse
Burkett	Montgomery
Burney	Morris
Cauthorn	Newell
Chambers	Oliver
Cockrell	Pace
Coleman	Petsch
Colson, Mrs.	Pevehouse
Cornett	Piner
Crossley	Pope
Daniel	Reader of Bexar
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Dean	Reed
Derden	Rhodes
Dickison	Riviere
Dowell	Roach
Dwyer	Robinson
Faulkner	Skiles
Felty	Smith of Frio
Ferguson	Smith of Hopkins
Fielden	Spencer
Fuchs	Stoll
Galbreath	Talbert
Gilmer	Tarwater
Gordon, Mrs.	Tennant
Hale	Thornberry
Hamilton	Turner
Harp	Vale
Harper	Vint
Harrell of Bastrop	Waggoner
Harrell of Lamar	Weldon
Harris	Wells
Heflin	Westbrook
Holland	White
Howard	Wilson
Howington	Winfree
Hunt	Wood
Isaacks	Worley
Keith	Wright
Kennedy	

## Nays—25

Boyer	Johnson of Tarrant
Bradford	McAlister
Celaya	McFarland
Clark	Nicholson
Colquitt	Roberts
Corry	Schuenemann
Dickson	Segrist
Donaghey	Shell
Goodman	Smith
Hankamer	of Matagorda
Hardin	Stinson
Hull	Taylor
Johnson of Ellis	Thornton

## Absent

Baker	King
of Fort Bend	Leonard
Broadfoot	Ragsdale
Cleveland	Voigt
Hardeman	

## Absent—Excused

Hartzog	Russell
Mays	

## MESSAGE FROM THE SENATE

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 436 by the following vote: Yeas, 31; Nays, 0.

Has concurred in House amendments to Senate Bill No. 404 by the following vote: Yeas, 31; Nays, 0.

Has concurred in House amendments to Senate Bill No. 451 by the following vote: Yeas, 31; Nays, 0.

Has concurred in House amendments to Senate Bill No. 397 by the following vote: Yeas, 30; Nays, 1.

Has concurred in House amendments to Senate Bill No. 452 by the following vote: Yeas, 31; Nays, 0.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

BILLS AND RESOLUTIONS  
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 130, Granting Judge C. D. Russell permission to be absent from the State.

H. C. R. No. 136, Granting the loan of certain highway equipment.

H. C. R. No. 137, Granting Judge Terry Dickison permission to be absent from the State.

H. B. No. 603, "An Act granting permission to John Albert Jordan to bring suit against the State of Texas, in a court of competent jurisdiction, for damages for personal injuries received by him while a student in the Deaf and Dumb School of the State of Texas, and which injuries are alleged to have produced damages to the said John Albert Jordan; providing that any judgment so recovered to be paid out of the funds of the State of Texas; providing that if any provisions of this Act shall be invalid, that validity of the other provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 938, "An Act to make it unlawful to take, hunt, trap, shoot or kill any deer and/or wild turkey for a period of three (3) years in Taylor County, Texas; fixing penalties, and declaring an emergency."

H. B. No. 1028, "An Act providing that certain independent school districts in certain counties shall remain independent school districts for all purposes regardless of decrease in scholastic population, and declaring an emergency."

H. B. No. 869, "An Act prohibiting the liberation of wild fox in Parker County; providing a suitable penalty for any violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

#### RECESS

Mr. McMurry moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Burney moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Hamilton moved that the House recess until 3:00 o'clock p. m., today.

The motion of Mr. Hamilton prevailed, and the House, accordingly, at 12:50 o'clock p. m., took recess until 3:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 3:00 o'clock p. m., and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED (By unanimous consent)

Mr. Bell for this afternoon, on account of important business, on motion of Mr. Little.

Mr. Kinard for this afternoon, on account of illness, on motion of Mr. Nicholson.

Mr. Bradford for this afternoon, on account of important business, on motion of Mr. McAlister.

Mr. Hull temporarily for this afternoon, on account of important business, on motion of Mr. McAlister.

#### TO PROVIDE FOR CERTAIN ADJOURNMENT PERIOD

Mr. Isaacks offered the following resolution:

H. C. R. No. 138, To provide for certain adjournment period.

Whereas, This Legislature has been in session one hundred and twenty days and the Members have been away from their homes almost constantly during said time and have of necessity neglected their private affairs; and

Whereas, A great deal of necessary legislation has not been consummated, including the financing of the Social Security program and all the major appropriation bills; and

Whereas, The Members are tired and exhausted by the demands of an unusually strenuous session, involving urgent and necessitous legislation, and are entitled to and ought to have a few days rest, and the fact that by mingling with their constituents for a few days certain problems of legislation may be clarified and they will be in a better position to properly represent them when they reconvene; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature adjourn at noon on Friday, May 12th, to reconvene on Monday, May 29th, at 10:00 o'clock a. m.

The resolution was read second time.

Mr. Allison moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—106

Allen  
Allison

Alsup  
Bailey

Baker of Grayson	Lehman
Boethel	Little
Bond	Lock
Boyd	Loggins
Boyer	London
Bray	McDaniel
Broadfoot	McDonald
Brown of Cherokee	McFarland
Brown	McMurry
of Nacogdoches	McNamara
Bundy	Mohrmann
Burkett	Monkhouse
Burney	Morris
Chambers	Newell
Clark	Nicholson
Coleman	Oliver
Colson, Mrs.	Pace
Cornett	Petsch
Corry	Pevehouse
Crossley	Pope
Daniel	Reader of Bexar
Davis of Jasper	Reader of Erath
Derden	Reaves
Dickison	Reed
Donaghey	Rhodes
Dwyer	Riviere
Faulkner	Roberts
Felty	Robinson
Ferguson	Skiles
Fielden	Smith of Hopkins
Fuchs	Smith
Galbreath	of Matagorda
Gilmer	Spencer
Goodman	Stinson
Gordon, Mrs.	Stoll
Hamilton	Tarwater
Hankamer	Taylor
Hardin	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Harris	Vale
Howington	Waggoner
Hull	Weldon
Johnson of Ellis	Wells
Keith	Westbrook
Kennedy	White
Kern	Wilson
Kerr	Winfree
Kersey	Wood
King	Worley
Langdon	Wright

## Nays—16

Baker	Dowell
of Fort Bend	Hale
Bradbury	Harp
Bridgers	Hunt
Cauthorn	Isaacks
Cockrell	Leyendecker
Colquitt	Mays
Davis of Upshur	Roach
Dickson	

## Present—Not Voting

Vint

## Absent

Anderson	Montgomery
Blankenship	Piner
Celaya	Ragsdale
Dean	Schuenemann
Hardeman	Segrist
Heflin	Shell
Holland	Smith of Frio
Howard	Talbert
Johnson of Tarrant	Voigt
Leonard	

## Absent—Excused

Bell	Kinard
Bradford	McAlister
Cleveland	Russell
Hartzog	

## HOUSE CONCURRENT RESOLUTION NO. 89 WITH SENATE AMENDMENTS

Mr. Bailey called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 89, To grant Tilford Moore permission to sue the State.

On motion of Mr. Bailey, the House concurred in the Senate amendments.

## SENATE BILL NO. 89 ON PAS-SAGE TO THIRD READING

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 89, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Houston, Angelina, Sabine, San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said Counties practically fifty per cent (50%) of the land in said Counties, thereby taking off the tax rolls so much valuation that said Counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said Counties, remitting, releasing, granting, and donating to said Counties all State ad valorem taxes, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 89, by striking out all below the enacting clause,

and inserting in lieu thereof, the following:

"Section 1. That from and after the effective date of this Act, the Assessor and Collector of Taxes for each of the counties of Jasper, Sabine, San Augustine, Shelby, Trinity, Houston, Tyler, Angelina, San Jacinto and Walker, in this State shall ascertain the number of acres of land purchased or leased by the Federal Government in their respective counties and shall make a report under oath to the Commissioners' Court of such county as to the number of acres of such lands purchased and/or leased by the Federal Government in such county.

Sec. 2. Upon the filing of said report, as provided in Section 1 of this Act, with the Commissioners' Court by the Assessor and Collector of Taxes, the Commissioners' Court of each county above-named shall at their regular annual meeting as a Board of Equalization in May of each year fix a valuation upon such lands; the valuation fixed upon such lands shall be the same as fixed by the Equalization Board upon other and similar adjoining lands, for taxation purposes the said Court shall at the same time determine the amount of taxes that said County and precinct and district has lost as a result of the Federal Government having purchased or leased said land.

Sec. 3. The Assessor and Collector of Taxes of the counties hereinabove named shall make an itemized report under oath, showing the valuation fixed by the Board of Equalization on such lands and the amount of the county ad valorem taxes that would accrue thereon, as approved by Commissioners' Court, were they not exempt by reason of purchase or lease by the Federal Government, based upon such valuations and fixed at the prevailing rate for the county ad valorem taxes on lands similarly situated. The Assessor and Collector of Taxes shall show in said report the total amount of county ad valorem taxes which would have been assessed against all lands within said County owned or leased by the Federal Government, and shall forward said report to the Comptroller of Public Accounts at Austin.

Sec. 4. The Comptroller of Public Accounts shall upon receipt of such report check the same as to the correctness thereof, and if found correct,

shall approve such report. The total amount of county ad valorem taxes which would have been assessed against the lands owned or leased by the Federal Government within such county, as shown by the report of the County Tax Assessor and Collector, and approved by the Comptroller of Public Accounts, shall be the measure of the amount of the State ad valorem tax to be granted, donated, and released to such county, as hereinafter provided.

Sec. 5. There is hereby donated, granted and released to each of the Counties of Jasper, Sabine, San Augustine, Shelby, Trinity, Houston, Tyler, Angelina, San Jacinto, and Walker, all of the State ad valorem taxes necessary to reimburse said County for the loss sustained by said County or counties and not to exceed this amount, levied and collected in each said respective county for general revenue purposes upon property and from persons in each said respective county including the rolling stocks of railroads, or so much of such State ad valorem taxes collected as shall be equal to the amount to be determined in accordance with Section 4 hereof. The taxes hereby donated shall be levied and collected as now provided by law except that the Assessor and Collector of Taxes in each respective county shall forward his report to the State Comptroller of Public Accounts as provided by law, and shall pay over to the Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as are allowed by law for collecting and assessing the same; and shall forward a duplicate copy of the receipts given him by the County Treasurer for said money to the Comptroller.

Sec. 5-a. The taxes herein donated, granted, or released to the counties herein are hereby allocated to the Commissioners Court of the respective counties herein named to be used by said Commissioners for the purpose of carrying on the governing activities of the county, public improvements, and discharge of any county or precinct indebtedness, and may be by said Commissioners' Court allocated to any other political subdivision of the County which has sustained loss as a result of the Federal Government purchasing land within the said political subdivision.

Sec. 6. It is expressly provided,

however, in this Act that if and when the Federal Government shall reimburse the counties named in Section 1 of this Act for the amount of taxes lost to said Counties, this Act upon receipt of such reimbursements shall, as to the county or counties receiving such reimbursements, become null and void, and of no further force and effect; it being the purpose of this Act to relieve such counties from loss until reimbursement occurs.

Sec. 7. That if any Section, clause, paragraph, or sentence of this Act shall be declared unconstitutional, it is hereby declared to be the intention of the Legislature that the remainder of such Act shall remain in full force and effect.

Sec. 8. The fact that the United States Government has purchased or leased a large acreage of cut over lands in the counties named in Section 1 hereof, thereby taking off of the tax rolls great valuations for taxable purposes in each of such counties; and the fact that the loss of such taxable values in such counties render them incapable of carrying on county government and paying the expenses incident thereto; and the further fact that said Counties have not yet recovered from the disastrous results incident to the calamitous occurrences hereinabove enumerated create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 89, by striking out all above the enacting clause, and inserting in lieu thereof, the following:

#### A BILL

#### To Be Entitled

"An Act granting aid to San Jacinto, Trinity, Jasper, Sabine, San Augustine, Shelby, Houston, Tyler, Angelina and Walker Counties, made necessary by reason of the fact that the Government has purchased or leased in said Counties large acreages, reducing the taxable values of such counties; remitting, releasing, granting, and donating to said Counties certain

State ad valorem taxes; providing duties of the Tax Assessor and Collector in such counties relative to the same; providing for a Board of Equalization to carry out the provisions of this Act, and to fix valuation on such lands based upon similar adjoining lands; providing for reports of Assessor and Collector of Taxes in such counties; providing duties of State Comptroller relative thereto; providing that, when Federal Government reimburses said Counties, this Act shall become inoperative; providing saving clause, and declaring an emergency."

The amendment was adopted.

Senate Bill No. 89 was then passed to third reading.

#### SENATE BILL NO. 89 ON THIRD READING

Mr. Wright moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Allen	Donaghey
Alsup	Dwyer
Anderson	Felty
Bailey	Ferguson
Baker	Fielden
of Fort Bend	Fuchs
Boethel	Galbreath
Bond	Gordon, Mrs.
Boyd	Hankamer
Boyer	Hardin
Bradbury	Harp
Bray	Harper
Bridgers	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Brown of Cherokee	Harris
Brown	Holland
of Nacogdoches	Hunt
Bundy	Isaacks
Cauthorn	Johnson of Ellis
Chambers	Johnson of Tarrant
Cockrell	Keith
Coleman	Kennedy
Colson, Mrs.	Kersey
Cornett	King
Corry	Langdon
Daniel	Leonard
Davis of Jasper	Leyendecker
Derden	Lock
Dickison	Loggins

Mays	Shell
McDonald	Skiles
McFarland	Smith of Hopkins
McMurry	Smith
McNamara	of Matagorda
Mohrmann	Spencer
Monkhouse	Stoll
Montgomery	Talbert
Morris	Taylor
Newell	Thornton
Nicholson	Turner
Oliver	Vale
Pace	Voigt
Pevehouse	Weldon
Pope	Wells
Ragsdale	Westbrook
Reader of Bexar	White
Reader of Erath	Wilson
Reaves	Winfree
Rhodes	Wood
Riviere	Worley
Roach	Wright

## Nays—20

Allison	Howington
Baker of Grayson	Kern
Blankenship	Lehman
Crossley	London
Dickson	Reed
Dowell	Roberts
Faulkner	Stinson
Hale	Tennant
Hamilton	Thornberry
Hardeman	Vint

## Present—Not Voting

Davis of Upshur

## Absent

Burkett	Little
Burney	McAlister
Celaya	McDaniel
Clark	Petsch
Colquitt	Piner
Dean	Robinson
Gilmer	Schuenemann
Goodman	Segrist
Heflin	Smith of Frio
Howard	Tarwater
Hull	Waggoner
Kerr	

## Absent—Excused

Bell	Hartzog
Bradford	Kinard
Cleveland	Russell

The Speaker then laid Senate Bill No. 89 before the House on third reading and final passage.

The bill was read third time, and was passed.

(Mr. Thornton in the Chair.)

Mr. Wright moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

Senate Bill No. 89 was passed by a viva voce vote and as I am opposed to tax remissions unless complying to the letter with constitutional provisions, I desire to be recorded as voting "nay".

BURKETT,  
BOYD.

## AUTHORIZING CERTAIN CORRECTION IN SENATE BILL NO. 220

Mr. Pope offered the following resolution:

H. C. R. No. 140, Authorizing certain correction in Senate Bill No. 220.

Whereas, Senate Bill No. 220 has passed the House and Senate; and

Whereas, It has been found that the population brackets in the caption do not conform to those in the body of the bill; now, therefore, be it

Resolved by the Members of the House of Representatives, the Senate concurring, That the Enrolling Clerk of the Senate be instructed to correct the caption to conform to the body of the bill.

The resolution was read second time, and was adopted.

## AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 997

Mr. Gilmer offered the following resolution:

H. C. R. No. 141, Authorizing certain correction in House Bill No. 997.

Whereas, In the passage of House Bill No. 997 an error in Section 1 thereof, which failed to limit the provisions of the bill to Kerr County occurs; and

Whereas, It is desirable to cure such defect; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to strike out from line 4 of Section 1 of the bill, the words "in said county" and insert in lieu thereof the following: "in Kerr County, Texas".

The resolution was read second time, and was adopted.

**SENATE BILL NO. 5 ON PASSAGE  
TO THIRD READING**

The Chair laid before the House, as postponed business, on its passage to third reading,

S. B. No. 5, A bill to be entitled "An Act repealing House Bill No. 170, Chapter 91 of the Acts of the First Called Session of the Forty-first Legislature, 1929, and providing for the creation of a Legislative Audit Committee; and fixing its duties and providing for the appointment thereof, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Hankamer offered the following committee amendments to the bill:

Amend Senate Bill No. 5, by adding thereto a new Section thereto, to be known as Section 15a, and reading as follows:

"Section 15a. Section 18 of Chapter 212, House Bill No. 59, Acts of the Regular Session of the Fortieth Legislature is hereby repealed."

Amend Senate Bill No. 5, by adding thereto a new Section to be known as Section 15b, and reading as follows:

"Section 15b. Article 4366 of the Revised Civil Statutes of 1925 is amended hereby so as to read hereafter, as follows:

"Article 4366. The State Auditor shall examine the disbursements of the Treasurer at the end of each quarter, and shall, together with the Treasurer, cancel the warrants which have been paid in such manner as to prevent their future circulation, and shall examine if the receipts acknowledged by the Treasurer during the quarter correspond with the deposits, and if the balance of money reported to be in his possession is actually in his hands."

The committee amendments were severally adopted.

Mr. Hankamer offered the following amendment to the bill:

Amend Senate Bill No. 5, by striking out Section 16 and adding the following Sections:

"Section 16. Amend House Bill No. 768, Chapter 206, Acts of the Regular Session of the Forty-second Legislature, 1931, by striking out all of Section 1, Section 3, Section 5, Section 6, Section 7, and Section 20-A.

Section 17. In order that the Governor may have available the necessary assistance to enable him to comply with the provisions of Section 9 and Section 10 of Article 4 of the Constitution of this State and to comply with the provisions of the Uniform Budget Law of this State, he is hereby authorized to employ a Certified Public Accountant at a salary not to exceed Seven Thousand, Five Hundred (\$7,500.00) Dollars per annum, together with such additional personnel as may be necessary and authorized by legislative appropriation, all of which personnel shall serve at the will of the Governor.

Section 18. The head of each department, school, bureau, agency, institution, and of the prison system, and the head of any of the divisions or departments of Government for which appropriations are made by the Legislature, shall submit to the Governor, not later than June 1 of each year preceding the regular biennial session of the Legislature, an itemized account of all items of expense for the preceding two (2) fiscal years, and an estimate of the appropriations required by such department, school, board, bureau, agency, institution or by the prison system for the succeeding biennium. This estimate shall be itemized in such manner as the Governor may require.

Section 19. The Governor or his representative shall inspect the properties, equipment, and facilities of the various agencies of the Government for which appropriations are to be made, either before or after such estimates are submitted. He shall consider the same and give hearing on such estimates to those who have submitted the same, and shall obtain information from every available source including the reports from his auditors and examiners. After such hearings the Governor shall make up an appropriation budget. He shall so prepare the budget as to show the expenditures on the same lines with the appropriated amounts for the respective items, and in such form and with such other itemization as the Governor may prescribe. The list of appropriations shall be shown for the three (3) years preceding the years for which appropriations are sought and recommended for the ensuing biennium, and the expenditures shall be shown for the first two (2) of the last above mentioned

years. The budget shall also show the amounts requested by the various agencies of the Government and the amounts recommended by the Governor for each of the years of the ensuing biennium.

Section 20. Nothing contained in this Act shall be construed as precluding the Legislature from making any changes in the budget submitted by the Governor.

Section 21. Where Commissioners' Courts and governing boards in the cities, towns and villages are now authorized by law in emergencies to adopt supplementary budgets, all of such supplemental budgets hereafter adopted by Commissioners' Courts and by governing boards of cities, towns and villages shall be adopted subject to the following limitations:

(1) In case of grave emergency which threatens immediate and substantial loss of property or which imperils life or health, the Commissioners' Court of the county or the governing board of a city or village may by an order entered on the record books of such Commissioners' Court or on the record books of such city or village adopt a supplemental budget provided this order shall specify definitely the particular emergency the supplemental budget is designed to meet, and the supplemental budget together with a copy of the order of the Commissioners' Court or the order of the governing board of the city or village, shall be signed by the County Judge and by a majority of the members of the Commissioners' Court, or if it be a city or village, by the City Manager or Mayor and by a majority of the members of the governing board of such city or village, and copy of said order shall be immediately filed with the County Clerk and a copy shall be mailed to the State Comptroller of Public Accounts, in each case to be attached to the original budget. When this has been done and not before, the Commissioners' Court or the governing board of such city or village shall be authorized to proceed to make expenditures in accordance with the supplemental adopted budget.

(2) In case of emergencies not within the classification above referred to, brought about by unforeseen conditions which could not by reasonable diligence have had atten-

tion at the time the original budget was adopted, the Commissioners' Court or the governing board of such city or village shall be authorized to prepare a supplemental budget to cover such emergency and in such cases when the supplemental budget has been prepared, a statement explaining in detail the necessity for the adoption of such supplemental budget shall be prepared by the Commissioners' Court or the governing board of the city or village, signed by the Judge and by a majority of the members of the Court, or in case of a city or village, signed by the City Manager or Mayor and a majority of the members of the governing board of such city or village, and such statement shall be published once each week for two successive weeks in a newspaper of general circulation in the county or city, and such notice shall specify a date when a public hearing will be held by the Commissioners' Court or by the governing board of the city or village, on the proposal to so amend the budget. After the public hearing and after considering the statement of taxpayers concerning the proposed change, the Commissioners' Court or the governing board of the city or village may adopt such amendment to the original budget, and when so adopted a copy shall be attached to the original budget, a copy filed with the County Clerk, and a copy filed with the State Comptroller of Public Accounts at Austin. The failure of the governing board of any county, city or school district to abide by all of the provisions of the budget law shall invalidate the tax levy for the year when such governing board of said county, city or school district fails to observe in good faith the provisions of this Act.

Section 22. Any officer, employee or official of the State Government, of the county government, of the city government, or of any school district, who shall refuse to comply with any of the provisions of this Act relating to the preparation of or the execution of budgets to control the expenditure of public funds as provided in this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or be imprisoned in



the county jail for not less than one (1) month or more than twelve (12) months, or shall be punished by both such fine and imprisonment.

Sec. 23. The County Auditor in all counties having a population in excess of 350,000 as shown by the last preceding or any succeeding United States Census shall serve as the budget officer for the Commissioners' Court in each county, and on or immediately after January first of each year he shall prepare a budget to cover all proposed expenditures of the county government for the current fiscal and calendar year. Such budget shall be carefully itemized so as to make possible as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget shall be so prepared as to show with reasonable accuracy each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of such projects. The budget shall contain a complete financial statement of the county, showing all outstanding obligations of the county, the cash on hand to the credit of every and each fund of the county government, the funds received from all sources during the previous year, the funds and revenues estimated by the Auditor to be received from all sources during the previous year, the funds and revenue estimated by the Auditor to be received from all sources during the ensuing year, together with a statement of all accounts and contracts on which sums are due to or by the county as of December 31 of the year preceding except taxes and court costs. Until a budget has been adopted by the Commissioners' Court no payments shall be made during the current year except for emergencies and for obligations legally incurred prior to January 1 of such year for salaries, utilities, materials, and supplies. A copy of the budget shall be filed with the Clerk of the County Court, and it shall be available for inspection by the taxpayer.

The Commissioners' Court in each county shall provide for a public hearing on the county budget, which hearing shall take place on some date to be named by the Commissioners' Court within seven calendar days

after the filing of the budget and prior to January 31 of the current year. Public notice shall be given that on the date of said hearing the budget as prepared by the County Auditor will be considered by the Commissioners' Court. Said notice shall name the hour, the date, and the place the hearing shall be conducted, and shall be published once in a newspaper of general circulation in said County. Any taxpayer of such county shall have the right to be present and participate in said hearing. At the conclusion of the hearing, the budget prepared by the County Auditor shall be acted upon by the Commissioners' Court. The Court shall have authority to make such changes in the budget as in its judgment the facts and the law warrant and the interest of the taxpayers demand, provided the amounts budgeted for current expenditure from the various funds of the county shall not exceed the balances in said funds as of January 1 plus the anticipated revenue for the current year for which the budget is made, as estimated by the County Auditor. Upon final approval of the budget by the Commissioners' Court, a copy of such budget as approved shall be filed with the County Auditor, the Clerk of the Court, and the State Auditor, and no expenditure of the funds of the county shall thereafter be made except in strict compliance with said budget. Said Court may upon proper application transfer an existing budget surplus during the year to a budget of like kind and fund, but no such transfer shall increase the total of the budget.

In like manner when any bond issue of the county is submitted at an election or anticipation warrants are to be issued against future revenues and a tax levied for said warrants a budget of proposed expenditures shall be adopted and upon the receipt of the proceeds of the sale of any bonds or warrants expenditures shall be made therefrom in the manner hereinafter provided for expenditures for general purposes.

Upon the adoption of any general or special budget as hereinbefore provided and its certification, the County Auditor of each county thereupon shall open an appropriation account for each main budgeted or special item therein and it shall be his duty to charge all purchase orders or

requisitions, contracts, and salary and labor allowances to said appropriations. Requisitions issued or contracts entered into conformably to the laws of the State of Texas by proper authority for work, labor, services, or materials and supplies shall nevertheless not become effective and binding unless and until there has been issued in connection with such item the certificate of said County Auditor that ample budget provision has been made in the budget therefor and funds are, or will be, on hand to pay the obligation of the county or officer when due. The amount set aside in any budget for any purchase order or requisition, contract, special purpose, or salary and labor account shall not be available for allocation for any other purpose unless an unexpended balance remains in the account after full discharge of the obligation or unless the requisition, contract, or allocation has been cancelled in writing by the Commissioners' Court or county officer for a valid reason.

The County Auditor shall make to the Commissioners' Court not less than monthly a complete report showing the financial condition of the county. Said report shall be in such form as may be prescribed by said County Auditor and shall set forth all facts of interest concerning the financial condition of the county and shall contain a consolidated balance sheet. The report shall contain a complete statement of the balances on hand at the beginning and close of the month and the aggregate receipts to and aggregate disbursements from each fund, the transfers to and from each fund, the bonded and warrant indebtedness with the rates of interest due thereon, a summarized budget statement showing for each officer, department, or institution budgeted the expenses paid from the budget during the month and for the period of the fiscal year inclusive of the month for which said report is made, also the encumbrances against said budgets, and the amounts available for further expenditure, together with such other information as such officer may deem necessary to reflect the true condition of the finances of such county or the Commissioners' Court thereof may require. The County Auditor shall publish once in a daily newspaper published in said County a condensed copy of said report showing the condition of funds and budgets

together with such recommendations as he may deem desirable.

In the preparation of the budget, the County Auditor shall have authority to require of any district, county, or precinct officer of the county such information as may be necessary to properly prepare the budget. The provisions of Sections 10, 11, 12 and 13 of House Bill No. 768, Chapter 206, Acts of the Forty-second Legislature, shall not apply to counties with a population in excess of 350,000 according to the last preceding or any future Federal Census, nor shall the provisions of this Section 23 of this Act apply to counties of less than 350,000 population according to the last preceding Federal Census.

Sec. 24. All laws and parts of laws in conflict with the provisions of this Act are expressly repealed; and if any Section of this Act shall be declared invalid, the remaining parts of the law shall not be affected thereby.

Sec. 25. The fact that under present law, the Legislature has no control over the selection of the State Auditor and no power to direct his work and the further fact that the Governor is without any personnel responsible to him to enable him to perform the duties required under Sections 9 and 10 of Article 4 of the Constitution of this State, nor does he have the necessary assistance to enable him to perform his duties as the chief budget officer of this State, creates an emergency and imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House, and the further Constitutional Rule as to the time that laws take effect be suspended and each of them is hereby suspended and this Act shall take effect and be in full force and effect from and after its passage."

HANKAMER,  
HARTZOG,  
CELAYA,  
THORNTON.

Mr. Hale raised a point of order, on further consideration of the amendment by Mr. Hankamer, at this time, on the ground that the amendment is not germane to the caption of the bill.

The Chair sustained the point of order.

Mr. Hale offered the following amendment to the bill:

Amend Senate Bill No. 5, page 3, by striking out lines 12-37, and substituting in lieu thereof, the following:

"Sec. 2. There is hereby created a Legislative Audit Committee, which shall be composed of three Members of the House appointed by the Speaker and three Members of the Senate appointed by the Lieutenant Governor. Members of the committee shall be chosen for their interest in, and knowledge of the financial affairs of the State Government, and shall constitute a standing committee of the Legislature, provided for in the Joint Rules of the House and Senate. The Members of said committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such Member. The committee, within ten (10) days from the passage of this Act, shall meet and organize by electing one Member of said committee chairman and another Member of said committee secretary. In voting on any question which this Act requires the Legislative Audit Committee to decide, the chairman shall not vote except in case of a tie, and it shall then be his duty to cast the deciding vote."

Mr. Hankamer moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Hale, it was adopted.

(Speaker in the Chair.)

Mr. McNamara offered the following amendment to the bill:

Amend Senate Bill No. 5, by striking out Section 10, and inserting in lieu thereof, the following:

"Section 10. The State Auditor shall devote his entire time to the discharge of the duties herein imposed upon him, shall maintain his office in the Capitol, and the Board of Control is directed to furnish suitable quarters, supplies and stationery for him and his assistants and employees. The State Auditor shall receive for his services the sum of Five Thousand (\$5,000.00) Dollars per annum and the necessary traveling expenses, payable monthly in the manner as other State officers are paid. All vouchers issued in the payment of salary and expenses to the State Auditor shall be approved by the Chairman of the

Legislative Audit Committee before they are paid; and all vouchers issued for the payment of salaries of assistant auditors and for stenographic and clerical help, as well as all vouchers issued in the payment of other expenses incurred in the operation of the office of the State Auditor shall be approved by the State Auditor before they are paid. Traveling expenses for all employees in the State Auditor's office when engaged on official business shall be paid to the extent authorized in the appropriation bill for the State Auditor's office. The Legislative Audit Committee, or a majority of the Members of the Committee, shall fix and determine the number of and the amount of salary to be paid each assistant auditor and all stenographic and clerical assistants within the limits of the appropriation therefor. Such salaries and compensation shall be paid monthly. The salary of no assistant auditor shall exceed the sum of Thirty-six Thousand (\$3,600.00) Dollars per annum, except the First Assistant, whose salary shall not exceed Forty-two Hundred (\$4,200.00) Dollars per annum. The First Assistant State Auditor shall perform such duties and assignments as the State Auditor may prescribe and shall act as State Auditor in the absence of the State Auditor. All such assistant auditors and stenographic and clerical assistants shall be named and appointed by the State Auditor. No person shall be appointed as First Assistant State Auditor unless he be a certified public accountant and shall have had at least two years experience with a recognized accounting firm and no person shall be appointed as an assistant auditor unless he be a certified public accountant or shall have had at least one year's experience with a recognized accounting firm or the equivalent thereof."

McNAMARA,  
READER of Bexar,  
LEHMAN.

The amendment was adopted.

Mr. Smith of Hopkins moved that Senate Bill No. 5 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—82

Allison  
Anderson

Baker of Grayson  
Blankenship

Boethel	King
Bond	Langdon
Boyd	Leyendecker
Bradbury	Lock
Bray	London
Bridgers	Mays
Brown of Cherokee	Mohrmann
Bundy	Monkhouse
Burkett	Morris
Coleman	Oliver
Corry	Pace
Crossley	Pevehouse
Davis of Jasper	Ragsdale
Davis of Upshur	Reader of Bexar
Derden	Reader of Erath
Dickison	Reaves
Dickson	Rhodes
Dowell	Riviere
Dwyer	Roach
Faulkner	Roberts
Ferguson	Robinson
Fielden	Skiles
Fuchs	Smith of Hopkins
Galbreath	Smith
Hamilton	of Matagorda
Hardeman	Spencer
Hardin	Tennant
Harp	Thornberry
Harper	Turner
Harrell of Bastrop	Vale
Harrell of Lamar	Vint
Harris	Voigt
Holland	Waggoner
Howard	Weldon
Hunt	Wells
Isaacks	Westbrook
Johnson of Ellis	White
Keith	Worley
Kennedy	Wright
Kerr	

Nays—51

Allen	Heflin
Alsup	Howington
Bailey	Hull
Baker	Johnson of Tarrant
of Fort Bend	Kern
Boyer	Kersey
Bradford	Lehman
Brown	Little
of Nacogdoches	McAlister
Burney	McDaniel
Cauthorn	McDonald
Celaya	McFarland
Chambers	McMurry
Cockrell	McNamara
Cornett	Montgomery
Daniel	Newell
Felty	Nicholson
Gilmer	Petsch
Gordon, Mrs.	Piner
Hale	Pope
Hankamer	Reed

Schuenemann	Taylor
Segrist	Thornton
Smith of Frio	Wilson
Stinson	Winfree
Stoll	Wood
Talbert	

Present—Not Voting

Donaghey

Absent

Broadfoot	Goodman
Clark	Leonard
Colquitt	Loggins
Colson, Mrs.	Shell
Dean	Tarwater

Absent—Excused

Bell	Kinard
Cleveland	Russell
Hartzog	

SENATE BILL NO. 95 ON PAS-  
SAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on its passage to third reading,

S. B. No. 95, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of manufacturing, buying and selling of lumber and building materials and the construction of buildings and improvements, and declaring an emergency."

The bill having heretofore been read second time.

On motion of Mrs. Gordon, further consideration of Senate Bill No. 95 was postponed until next July 4.

SENATE BILL NO. 111 ON THIRD  
READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 111, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, pro-

viding fees for such permits, clarifying certain terms used under the Seed Certification program, providing penalties, and declaring an emergency."

The bill was read third time.

Mr. Piner offered the following amendment to the bill:

Amend Senate Bill No 111, by striking out lines 18 and 19, page 3, printed bill, and insert therefor the words, "The Commissioner of Agriculture shall promulgate rules and regulations, tests and standards in accordance with those set up by the Government Experimental Stations of the State."

The amendment was adopted by the following vote:

#### Yeas—116

Allen	Gordon, Mrs.
Allison	Hale
Anderson	Hamilton
Bailey	Hardin
Baker	Harp
of Fort Bend	Harrell of Bastrop
Baker of Grayson	Harrell of Lamar
Boethel	Harris
Bond	Heflin
Boyd	Holland
Boyer	Howard
Bradbury	Howington
Bray	Hunt
Bridgers	Isaacks
Brown of Cherokee	Johnson of Ellis
Bundy	Keith
Burney	Kennedy
Cauthorn	Kern
Celaya	Kerr
Chambers	Kersey
Clark	King
Cockrell	Langdon
Coleman	Lehman
Colquitt	Leyendecker
Colson, Mrs.	Little
Cornett	Lock
Corry	London
Crossley	Mays
Daniel	McDaniel
Davis of Upshur	McDonald
Davis of Jasper	McMurry
Derden	McNamara
Dickison	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Pace
Fuchs	Petsch
Galbreath	Pevehouse
Gilmer	

Pope	Talbert
Reader of Erath	Taylor
Reaves	Tennant
Reed	Thornberry
Rhodes	Thornton
Riviere	Turner
Roach	Vale
Roberts	Vint
Robinson	Weldon
Segrist	Wells
Skiles	Westbrook
Smith of Frio	White
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	Worley
Stinson	Wright
Stoll	

#### Nays—1

McAlister

#### Present—Not Voting

Brown  
of Nacogdoches

#### Absent

Alsup	Johnson of Tarrant
Bell	Leonard
Blankenship	Loggins
Broadfoot	McFarland
Burkett	Mohrmann
Dean	Piner
Dickson	Ragsdale
Dwyer	Reader of Bexar
Goodman	Schuenemann
Hankamer	Shell
Hardeman	Tarwater
Harper	Voigt
Hull	Waggoner

#### Absent—Excused

Bradford	Kinard
Cleveland	Russell
Hartzog	

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 111 was then passed by the following vote:

#### Yeas—104

Allen	Boyer
Allison	Bradbury
Anderson	Bridgers
Baker	Brown of Cherokee
of Fort Bend	Brown
Baker of Grayson	of Nacogdoches
Blankenship	Bundy
Boethel	Burkett
Bond	Burney

Cauthorn	McDonald
Celaya	McFarland
Chambers	McMurry
Clark	McNamara
Cockrell	Monkhouse
Coleman	Montgomery
Colson, Mrs.	Newell
Corry	Nicholson
Crossley	Oliver
Daniel	Pace
Davis of Jasper	Petsch
Derden	Pevehouse
Dickison	Pope
Donaghey	Ragsdale
Dowell	Reader of Erath
Faulkner	Reaves
Felty	Reed
Ferguson	Rhodes
Fuchs	Riviere
Galbreath	Roach
Gilmer	Roberts
Goodman	Robinson
Hamilton	Segrist
Hardeman	Skiles
Hardin	Smith of Frio
Harper	Smith of Hopkins
Harrell of Bastrop	Smith
Heflin	of Matagorda
Holland	Spencer
Howard	Stinson
Howington	Stoll
Hunt	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Thornberry
Kern	Thornton
Kerr	Turner
Kersey	Vale
King	Vint
Langdon	Weldon
Lehman	Westbrook
Leyendecker	Wilson
Little	Winfree
Lock	Worley
Mays	Wright
McDaniel	

## Nays—21

Alsup	London
Bailey	Mohrmann
Boyd	Morris
Bray	Piner
Cornett	Talbert
Davis of Upshur	Tennant
Hale	Waggoner
Harrell of Lamar	Wells
Harris	White
Keith	Wood
Kennedy	

## Absent

Bell	Dickson
Broadfoot	Dwyer
Colquitt	Fielden
Dean	Gordon, Mrs.

Hankamer	Loggins
Harp	Reader of Bexar
Hull	Schuenemann
Isaacks	Shell
Leonard	Voigt

## Absent—Excused

Bradford	Kinard
Cleveland	McAlister
Hartzog	Russell

## SENATE BILL NO. 266 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 266, A bill to be entitled "An Act making an appropriation for the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

## Yeas—101

Allen	Gordon, Mrs.
Alsup	Hale
Anderson	Hamilton
Baker	Hankamer
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Blankenship	Heflin
Boethel	Holland
Bond	Howard
Boyd	Hull
Boyer	Hunt
Bradbury	Johnson of Ellis
Bridgers	Johnson of Tarrant
Brown of Cherokee	Keith
Bundy	Kern
Burney	Kersey
Cauthorn	Leyendecker
Celaya	Little
Chambers	Lock
Clark	Loggins
Cockrell	London
Coleman	Mays
Colson, Mrs.	McDaniel
Cornett	McDonald
Davis of Jasper	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Faulkner	Newell
Felty	Nicholson
Fielden	Pace
Fuchs	Petsch
Galbreath	Pevehouse
Goodman	Piner

Pope	Stoll
Ragsdale	Talbert
Reader of Erath	Tarwater
Reaves	Taylor
Reed	Thornberry
Rhodes	Thornton
Riviere	Turner
Roach	Vale
Robinson	Vint
Schuenemann	Voigt
Segrist	Westbrook
Shell	Wilson
Smith of Frio	Winfree
Smith	Worley
of Matagorda	Wright
Stinson	

## Nays—22

Allison	Kerr
Bailey	Langdon
Bray	Lehman
Burkett	McFarland
Crossley	Roberts
Daniel	Spencer
Ferguson	Tennant
Hardin	Weldon
Harrell of Lamar	Wells
Howington	White
Kennedy	Wood

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Bell	Harris
Broadfoot	Isaacks
Colquitt	King
Corry	Leonard
Davis of Upshur	Oliver
Dean	Reader of Bexar
Dwyer	Skiles
Gilmer	Smith of Hopkins
Hardeman	Waggoner
Harp	

## Absent—Excused

Bradford	Kinard
Cleveland	McAlister
Hartzog	Russell

## SENATE BILL NO. 44 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 44, A bill to be entitled "An Act making an appropriation of Two Thousand, Five Hundred (\$2,500.00) Dollars, or so much thereof as may be necessary, to pay a certain judgment rendered on June 16, A. D.

1934, in the 126th District Court of Travis County, Texas, in Cause No. 52100, wherein Abilene Plumbing Supply Company, Inc. (a corporation), is plaintiff and the State of Texas and the Board of Control of the State of Texas are defendants (the cause being captioned Standard Manufacturing Company vs. Franklin Bros.), for the principal sum of One Thousand, Eight Hundred and Sixty-one Dollars and Twenty Cents (\$1,861.20), with interest at the legal rate of six percent (6%) per annum from the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of Sixty-four Dollars and Ninety-five Cents (\$64.95), which judgment was affirmed by the Court of Civil Appeals for the Third Supreme Judicial District of Texas, and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 44 ON THIRD READING

Mr. Bradbury moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—114

Allison	Colson, Mrs.
Alsup	Cornett
Anderson	Crossley
Bailey	Davis of Jasper
Baker	Davis of Upshur
of Fort Bend	Derden
Baker of Grayson	Dickson
Blankenship	Dickson
Bond	Donaghey
Boyd	Dowell
Boyer	Faulkner
Bradbury	Ferguson
Bridgers	Fielden
Brown of Cherokee	Fuchs
Brown	Galbreath
of Nacogdoches	Goodman
Bundy	Gordon, Mrs.
Burkett	Hamilton
Burney	Hankamer
Cauthorn	Hardeman
Celaya	Hardin
Chambers	Harp
Clark	Harper
Cockrell	Harrell of Bastrop
Coleman	Harrell of Lamar

Harris	Petsch
Heflin	Pevehouse
Holland	Piner
Howard	Pope
Howington	Ragsdale
Hunt	Reader of Erath
Johnson of Ellis	Reed
Johnson of Tarrant	Reaves
Keith	Rhodes
Kennedy	Roach
Kern	Roberts
Kersey	Robinson
Kerr	Segrist
King	Skiles
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leyendecker	Smith
Little	of Matagorda
Lock	Spencer
Loggins	Stinson
London	Stoll
Mays	Talbert
McDonald	Tarwater
McFarland	Taylor
McMurry	Thornton
McNamara	Turner
Mohrmann	Vale
Monkhouse	Vint
Montgomery	Waggoner
Morris	Weldon
Newell	Wilson
Nicholson	Winfree
Oliver	Worley
Pace	

## Nays—6

Allen	Tennant
Bray	White
Daniel	Wood

## Absent

Boethel	Leonard
Broadfoot	McDaniel
Colquitt	Reader of Bexar
Corry	Riviere
Dean	Schuenemann
Dwyer	Shell
Felty	Thornberry
Gilmer	Voigt
Hale	Wells
Hull	Westbrook
Isaacks	Wright

## Absent—Excused

Bell	Kinard
Bradford	McAlister
Cleveland	Russell
Hartzog	

The Speaker then laid Senate Bill No. 44 before the House on third reading and final passage.

The bill was read third time, and was passed.

Mr. Bradbury moved to reconsider the vote by which Senate Bill No. 44 was passed.

The motion to reconsider prevailed.

Question—Shall Senate Bill No. 44 be passed?

Senate Bill No. 44 was then passed by the following vote:

## Yeas—111

Allen	Johnson of Ellis
Allison	Johnson of Tarrant
Alsup	Keith
Anderson	Kennedy
Bailey	Kern
Baker	Kerr
of Fort Bend	Kersey
Baker of Grayson	Langdon
Blankenship	Lehman
Bond	Leyendecker
Boyd	Little
Boyer	Lock
Bradbury	Loggins
Bridgers	London
Brown of Cherokee	Mays
Bundy	McDaniel
Burkett	McDonald
Burney	McFarland
Cauthorn	McMurry
Celaya	McNamara
Chambers	Monkhouse
Clark	Montgomery
Cockrell	Morris
Coleman	Newell
Colson, Mrs.	Nicholson
Cornett	Pace
Crossley	Petsch
Davis of Jasper	Pevehouse
Davis of Upshur	Piner
Derden	Pope
Dickson	Ragsdale
Dickson	Reader of Erath
Donaghey	Reaves
Felty	Reed
Ferguson	Rhodes
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Goodman	Schuenemann
Gordon, Mrs.	Segrist
Hamilton	Shell
Hankamer	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Harrell of Bastrop	Spencer
Heflin	Stinson
Holland	Taylor
Howard	Thornton
Howington	Turner
Hunt	Vale



Vint	Wilson
Waggoner	Winfree
Weldon	Worley
Wells	Wright
White	

Nays—3

Bray	Wood
Tennant	

Present—Not Voting

Brown	Daniels
of Nacogdoches	

Absent

Boethel	Isaacks
Broadfoot	King
Colquitt	Leonard
Corry	Mohrmann
Dean	Oliver
Dowell	Reader of Bexar
Dwyer	Riviere
Faulkner	Stoll
Gilmer	Talbert
Hale	Tarwater
Harrell of Lamar	Thornberry
Harris	Voigt
Hull	Westbrook

Absent—Excused

Bell	Kinard
Bradford	McAlister
Cleveland	Russell
Hartzog	

## SENATE BILL NO. 99 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 99, A bill to be entitled "An Act amending Senate Bill No. 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill No. 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature, creating a Central Colorado River Authority, and declaring an emergency."

The bill was read second time.

Mr. Wood moved that Senate Bill No. 99 be tabled.

The motion to table was lost.

Mr. Keith offered the following amendment to the bill:

Amend Senate Bill No. 99, page 2, lines 29 and 30, by striking out the word "ten" and substituting therefor the word "two".

Mr. Chambers moved to table the amendment.

The motion to table prevailed.

Senate Bill No. 99 was then passed to third reading.

Mr. Chambers moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

## MOTION TO PLACE SENATE BILL NO. 99 ON THIRD READING

Mr. Chambers moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 99 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—84

Allen	Holland
Alsup	Howard
Anderson	Howington
Baker	Hunt
of Fort Bend	Isaacks
Blankenship	Johnson of Ellis
Boethel	Johnson of Tarrant
Boyer	Kersey
Bradbury	Kinard
Bridgers	King
Bundy	Leyendecker
Burkett	Little
Burney	Lock
Cauthorn	Loggins
Celaya	McDaniel
Chambers	McDonald
Cockrell	McFarland
Colson, Mrs.	McMurry
Crossley	Mohrmann
Davis of Jasper	Monkhouse
Derden	Montgomery
Dickison	Oliver
Dickson	Pace
Donaghey	Petsch
Felty	Pevehouse
Fielden	Piner
Fuchs	Pope
Galbreath	Ragsdale
Gilmer	Reader of Erath
Goodman	Rhodes
Hankamer	Riviere
Hardeman	Roberts
Hardin	Robinson
Harp	Shell
Harper	Smith of Frio
Harrell of Bastrop	Smith
Harris	of Matagorda
Heflin	Spencer

Talbert	Vale
Taylor	Westbrook
Thornberry	Winfree
Thornton	Worley
Turner	Wright

## Nays—44

Allison	Langdon
Bailey	Lehman
Baker of Grayson	London
Boyd	Mays
Bray	McNamara
Broadfoot	Newell
Brown of Cherokee	Nicholson
Clark	Reed
Coleman	Roach
Cornett	Schuenemann
Corry	Segrist
Daniels	Smith of Hopkins
Davis of Upshur	Stinson
Faulkner	Stoll
Ferguson	Tennant
Gordon, Mrs.	Vint
Hale	Waggoner
Harrell of Lamar	Weldon
Keith	Wells
Kennedy	White
Kern	Wilson
Kerr	Wood

## Present—Not Voting

Brown	Reaves
of Nacogdoches	

## Absent

Bond	Leonard
Colquitt	Morris
Dean	Reader of Bexar
Dowell	Skiles
Dwyer	Tarwater
Hamilton	Voigt
Hull	

## Absent—Excused

Bell	Hartzog
Bradford	McAlister
Cleveland	Russell

SENATE BILL NO. 118 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 118, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended, Acts, 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, No. 1."

The bill was read second time.

Mr. Brown of Cherokee offered the following committee amendment to the bill:

Amend Senate Bill No. 118, by striking out all below the enacting clause, and substituting in lieu therefor, the following:

"Section 1. That Article 7043 of the Revised Civil Statutes of the State of Texas, as amended, Acts, 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, No. 1, be and the same is hereby amended so as to hereafter read as follows:

"Article 7043. (7351). Within five days after the Comptroller has received such certified statements from every Assessor within this State, said Board shall meet for the purpose of calculating the ad valorem rate of taxes to be collected for the State and public free school purposes. In calculating said rates the Board shall calculate the same by the following rules and upon the following basis: they shall find, by adding together all the property subject to taxation in all counties as shown by the certified statements returned by the Assessors, the total valuation of all property within this State subject to ad valorem taxes. They shall find, by adding together the sums appropriated by the Legislature, which will or which may become due by the State, during the following fiscal year, the amount fixed by the Board of Education for public free school purposes, as the State apportionment, the total sum of which will or which may become due by the State, during the following fiscal year. They shall find, by adding all sums paid into the State Treasury as delinquent ad valorem taxes and interest and penalties thereon during the first half of the current calendar year and latter half of the preceding calendar year and all sums which may be expected to be paid as taxes for State purposes from all sources other than ad valorem taxes, the total sum expected to be collected from all said sources. They shall find, by subtracting from the total sum which will or which may become due by the State during the succeeding fiscal year, the total sum which may be expected to be paid as taxes for State purposes from all sources other than current ad valorem taxes, the total sum for

State purposes which must be collected by current ad valorem taxes. They shall add to such remainder twenty (20%) per cent of said remainder. They shall divide the total sum for State purposes which must be collected by ad valorem taxes added to twenty (20%) per cent of such total sum by the quotient of the total valuation of all property within this State divided by one hundred (100). The quotient shall be the number of cents on the One Hundred (\$100.00) Dollars valuation to be collected for the current year for State purposes; provided that said quotient shall not be run to more than three decimals. The rate for State purposes shall never exceed the rate fixed by law on the One Hundred (\$100.00) Dollars valuation of property. In calculating the rate to be collected for public free school purposes, said Board shall take into consideration the number of children in the State within the scholastic age, to be determined from the most recent official school census; in arriving at the rate that shall be fixed for public free school purposes, said Board shall set the rate so that it will yield the amount per student that has been previously fixed by the Board of Education, provided the rate so fixed for any year shall not exceed the rate fixed by law.

Sec. 2. The fact that confusion has arisen as to the duties of the Automatic Tax Board of the State of Texas and the duties of the Board of Education, and the further fact that on account of such confusion various public schools of Texas have been unable to run for the minimum of six (6) months, as required by the Constitution of Texas, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days in each House, be suspended and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

(Pending consideration of the amendment, Mr. McNamara occupied the Chair, temporarily.)

(Speaker in the Chair.)

(Mrs. Gordon in the Chair.)

Mr. Brown of Cherokee offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 118, by adding the following at the end of Section 1:

"Provided that the State per capita apportionment for any scholastic year shall never exceed \$25.00."

The amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Brown of Cherokee offered the following committee amendment to the bill:

Amend Senate Bill No. 118, by striking out all above the enacting clause, and substituting in lieu therefor, the following:

### "A BILL

### To Be Entitled

An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended, Acts, 1931, Forty-second Legislature, Second Called Session, page 53, Chapter 32, No. 1, and declaring an emergency."

The amendment was adopted.

Senate Bill No. 118 was then passed to third reading.

### SENATE BILL NO. 118 ON THIRD READING

Mr. Brown of Cherokee moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Allen	Brown
Allison	of Nacogdoches
Alsup	Bundy
Anderson	Burkett
Bailey	Burney
Baker	Cauthorn
of Fort Bend	Chambers
Baker of Grayson	Cockrell
Blankenship	Coleman
Boethel	Colson, Mrs.
Bond	Cornett
Boyd	Corry
Boyer	Crossley
Bradbury	Daniels
Bray	Davis of Jasper
Bridgers	Davis of Upshur
Broadfoot	Derden
Brown of Cherokee	Dickison

Dickson	Mohrmann
Donaghey	Monkhouse
Felty	Montgomery
Ferguson	Morris
Fielden	Newell
Fuchs	Nicholson
Galbreath	Oliver
Gilmer	Petsch
Goodman	Pevehouse
Hale	Pope
Hamilton	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harp	Riviere
Harper	Roach
Harrell of Bastrop	Roberts
Harrell of Lamar	Robinson
Harris	Schuenemann
Heflin	Segrist
Holland	Shell
Howard	Skiles
Howington	Smith of Frio
Hunt	Smith of Hopkins
Isaacks	Smith
Johnson of Ellis	of Matagorda
Johnson of Tarrant	Spencer
Keith	Stinson
Kennedy	Talbert
Kern	Taylor
Kerr	Tennant
Kersey	Thornberry
King	Thornton
Langdon	Turner
Lehman	Vint
Leyendecker	Waggoner
Little	Weldon
Lock	Wells
London	Westbrook
Mays	White
McDaniel	Wilson
McDonald	Winfree
McFarland	Wood
McMurry	Worley
McNamara	Wright

## Absent

Celaya	Loggins
Clark	Pace
Colquitt	Piner
Dean	Ragsdale
Dowell	Reader of Bexar
Dwyer	Rhodes
Faulkner	Stoll
Gordon, Mrs.	Tarwater
Hankamer	Vale
Hull	Voigt
Leonard	

## Absent—Excused

Bell	Kinard
Bradford	McAlister
Cleveland	Russell
Hartzog	

The Chair then laid Senate Bill No. 118 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—132

Allen	Harper
Allison	Harrell of Bastrop
Alsup	Harrell of Lamar
Anderson	Harris
Bailey	Heflin
Baker	Holland
of Fort Bend	Howard
Baker of Grayson	Howington
Blankenship	Hunt
Boethel	Isaacks
Bond	Johnson of Ellis
Boyd	Johnson of Tarrant
Boyer	Keith
Bradbury	Kennedy
Bradford	Kern
Bray	Kerr
Bridgers	Kersey
Broadfoot	King
Brown of Cherokee	Langdon
Brown	Lehman
of Nacogdoches	Leyendecker
Bundy	Little
Burkett	Lock
Burney	Loggins
Cauthorn	London
Celaya	Mays
Chambers	McDaniel
Clark	McDonald
Cockrell	McFarland
Coleman	McMurry
Colson, Mrs.	McNamara
Cornett	Mohrmann
Corry	Monkhouse
Crossley	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Davis of Upshur	Nicholson
Derden	Oliver
Dickison	Petsch
Dickson	Pevehouse
Donaghey	Piner
Faulkner	Pope
Felty	Ragsdale
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Reed
Galbreath	Riviere
Gilmer	Roach
Goodman	Roberts
Gordon, Mrs.	Robinson
Hale	Schuenemann
Hamilton	Segrist
Hankamer	Shell
Hardeman	Skiles
Hardin	Smith of Frio
Harp	

Smith of Hopkins	Vale
Smith	Vint
of Matagorda	Waggoner
Spencer	Weldon
Stinson	Wells
Stoll	Westbrook
Talbert	White
Taylor	Wilson
Tennant	Winfree
Thornberry	Wood
Thornton	Worley
Turner	Wright

## Absent

Colquitt	Pace
Dean	Reader of Bexar
Dowell	Rhodes
Dwyer	Tarwater
Hull	Voigt
Leonard	

## Absent—Excused

Bell	Kinard
Cleveland	McAlister
Hartzog	Russell

(Speaker in the Chair.)

HOUSE BILL NO. 957 WITH SEN-  
ATE AMENDMENTS

Mr. Langdon called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 957, A bill to be entitled "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open seasons on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

On motion of Mr. Langdon, the House concurred in the Senate amendments by the following vote:

Yeas—123

Allen	Baker
Allison	of Fort Bend
Alsup	Baker of Grayson
Anderson	Blankenship
Bailey	Boethel

Bond	Langdon
Boyd	Lehman
Boyer	Leyendecker
Bradbury	Little
Bradford	Lock
Bray	London
Bridgers	Mays
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Bundy	McFarland
Burkett	McMurry
Burney	McNamara
Cauthorn	Mohrmann
Chambers	Monkhouse
Clark	Montgomery
Cockrell	Morris
Coleman	Newell
Colson, Mrs.	Nicholson
Cornett	Oliver
Corry	Pevehouse
Crossley	Petsch
Daniel	Piner
Davis of Upshur	Pope
Dickison	Reader of Erath
Dickson	Reaves
Donaghey	Reed
Dowell	Rhodes
Faulkner	Riviere
Felty	Roach
Ferguson	Roberts
Fielden	Robinson
Fuchs	Segrist
Gilmer	Shell
Goodman	Skiles
Gordon, Mrs.	Smith of Frio
Hale	Smith of Hopkins
Hamilton	Smith
Hardeman	of Matagorda
Hardin	Spencer
Harp	Stinson
Harper	Stoll
Harrell of Bastrop	Talbert
Harrell of Lamar	Taylor
Harris	Tennant
Holland	Thornberry
Howard	Thornton
Howington	Turner
Hunt	Vale
Isaacks	Vint
Johnson of Ellis	Waggoner
Johnson of Tarrant	Weldon
Keith	Wells
Kennedy	White
Kern	Wilson
Kerr	Winfree
Kersey	Wood
Kinard	Worley
King	

Nays—1

Galbreath

Present—Not Voting

Brown	Westbrook
of Nacogdoches	

## Absent

Celaya	Leonard
Colquitt	Loggins
Davis of Jasper	Pace
Dean	Ragsdale
Derden	Reader of Bexar
Dwyer	Schuenemann
Hankamer	Tarwater
Heflin	Voigt
Hull	Wright

## Absent—Excused

Bell	McAlister
Cleveland	Russell
Hartzog	

RECALLING SENATE BILL NO.  
115 FROM THE SENATE

Mr. Montgomery offered the following resolution:

H. C. R. No. 143, Recalling Senate Bill No. 115 from the Senate.

Whereas, Senate Bill No. 115 has passed the House; and

Whereas, It is necessary that a corrective amendment be made thereto; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Senate be, and it is hereby requested to return Senate Bill No. 115 to the House for correction.

MONTGOMERY,  
BOYD.

The resolution was read second time, and was adopted.

TO GRANT PERMISSION TO SUE  
THE STATE

The Speaker laid before the House, for consideration at this time, Senate Concurrent Resolution No. 43, To grant Carl Anderton permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

TO PROVIDE FOR A COMMITTEE  
OF THE WHOLE HOUSE

Mr. Holland moved that all necessary Rules be suspended in order that the House might sit as a Committee of the Whole House on May 11, at 8:00 o'clock p. m., to consider House Bill No. 340.

The motion prevailed by the following vote:

Yeas—100

Allen	Keith
Allison	Kennedy
Alsup	Kern
Bailey	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Langdon
Blankenship	Lehman
Boethel	Leyendecker
Bond	Lock
Boyd	Loggins
Bradbury	London
Bridgers	Mays
Brown of Cherokee	McDaniel
Brown	McDonald
of Nacogdoches	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Chambers	Morris
Cockrell	Newell
Coleman	Oliver
Colson, Mrs.	Pace
Cornett	Pevehouse
Crossley	Piner
Daniel	Ragsdale
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Derden	Reed
Dickison	Riviere
Dickson	Roach
Dowell	Robinson
Faulkner	Segrist
Ferguson	Skiles
Fielden	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Spencer
Gilmer	Stinson
Gordon, Mrs.	Stoll
Hale	Talbert
Hamilton	Tennant
Hardeman	Thornberry
Hardin	Turner
Harp	Vint
Harrell of Bastrop	Waggoner
Harrell of Lamar	Weldon
Harris	Wells
Holland	Westbrook
Howington	White
Hunt	Wilson
Isaacks	Wood
Johnson of Ellis	Worley

Nays—25

Anderson	Clark
Boyer	Corry
Bray	Donaghey
Bundy	Goodman
Burkett	Hankamer
Celaya	Howard

Johnson of Tarrant	Pope
Little	Roberts
McFarland	Smith
McMurry	of Matagorda
Montgomery	Taylor
Nicholson	Thornton
Petsch	Winfree

**Absent**

Broadfoot	Reader of Bexar
Colquitt	Rhodes
Dean	Schuenemann
Dwyer	Shell
Felty	Tarwater
Harper	Vale
Heflin	Voigt
Hull	Wright
Leonard	

**Absent—Excused**

Bell	Kinard
Bradford	McAlister
Cleveland	Russell
Hartzog	

**BILLS AND RESOLUTION  
SIGNED BY THE  
SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. C. R. No. 89, To grant Tilford Moore permission to sue the State.

H. B. No. 996, "An Act applicable to the County of Kimble, State of Texas, providing the method for taking fish from the public waters of Kimble County, Texas; providing the daily bag limit of fish; providing for a closed season in said County; providing penalties, and declaring an emergency."

H. B. No. 1014, "An Act providing for a Rural School Music Supervisor in certain counties; prescribing the duties of said Supervisor; prescribing the method of employing the Supervisor; providing for removal of such Supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

**HOUSE BILL ON FIRST READING**

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Kennedy:

H. B. No. 1077, A bill to be entitled

"An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than thirty-four thousand, six hundred (34,600), and not more than thirty-four thousand, seven hundred (34,700), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making this Act cumulative of the General Law, and declaring an emergency."

Referred to the Committee on Education.

**RECESS**

Mr. Reed moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Fielden moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion of Mr. Reed prevailed, and the House, accordingly, at 5:25 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

**APPENDIX****STANDING COMMITTEE REPORTS**

The following committees have filed favorable reports on bills, as follows:

Counties: House Bill No. 1068.

Municipal and Private Corporations: House Bill No. 1064.

**REPORTS OF THE COMMITTEE  
ON ENGROSSED BILLS**

Committee Room,

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 950, A bill to be entitled "An Act to amend Sections two (2), four (4), five (5), seven (7), and eight b (8b), and to repeal Section eight (8) of House Bill No. 557, Acts of the Forty-fifth Legislature of the State of Texas as amended by Senate Bill No. 24 of the First Called Session of the Forty-fifth Legislature and House Bill No. 78 of the Acts of the First Called Session of the Forty-

fifth Legislature; said Section two (2) to be amended by providing a definition of 'contract dealer,' and 'cash dealer,' and by providing that the term 'agent' shall comprehend 'transporting agent'; Said Section four (4) to be amended so as to provide a license fee for cash dealers; Said Section five (5) to be amended to provide for the bonding of commission merchants and contract dealers; Said Section seven (7) to be amended so as to provide a maximum fine in the sum of \$200.00 for violation of the Act; Said Section eight b (8b) to be amended so as to provide that the bonding requirements of this Act shall be applicable only to persons engaging in business as commission merchants or contract dealers; Repealing Section eight (8) of said House Bill No. 557, providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 990, A bill to be entitled "An Act amending Article 7117, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1929, Forty-first Legislature, First Called Session, Chapter 50, page 109, Section 1, defining transfers in contemplation of death and providing for a tax on same; amending Article 7118, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1935, Forty-fourth Legislature, Chapter 356, page 922, paragraph 1; amending Article 7119 Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1927, Fortieth Legislature, Chapter 62, page 87, Section 1; amending Article 7120, Revised Civil Statutes of the State of Texas, 1925; amending Article 7121, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1927, Fortieth Legislature, Chapter 62, page 87, Acts, 1931, Forty-second Legislature, Chapter 72, page 109, Acts, 1933, Forty-third Legislature, Chapter 192, page 581, Section 2-b, Subsection 20, providing in each case for an increase in taxes by lowering the brackets and

increasing the rates of taxation to each class; amending Article 7125, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1929, Forty-first Legislature, Chapter 26, page 60, Section 1, so as to more clearly define deductions permissible for inheritance tax purposes; amending Article 7130, Revised Civil Statutes of the State of Texas, 1925, so as to provide for notice of appraisement to the Comptroller and providing for judicial review of the report of appraisement; amending Article 7131, Revised Civil Statutes of the State of Texas, 1925, so as to provide for suspension of assessment of inheritance taxes pending a judicial review thereof; amending Section 9, Chapter 192, page 588, Acts of 1933, Forty-third Legislature, Regular Session and providing for certification of probate papers to the Comptroller, assessing the costs to the estate; providing for the giving of such information to the Comptroller and fixing a penalty for violation; amending Article 7135, Revised Civil Statutes of the State of Texas, 1925, and providing for the approval by the Comptroller of a County Judge's finding that no inheritance tax is due; declaring that the provisions of this Act shall be severable; saving to the State any claim for inheritance tax existing under the laws in effect prior to the enactment of this Act; and providing for the collection of such taxes; repealing all laws in conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 995, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in counties of a certain population except on certain days; providing the number of quail that can be killed in one day, and providing a penalty for violation of this Act."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.



Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 999, A bill to be entitled "An Act to prohibit school trustees from soliciting, demanding or suggesting the giving of a bribe for themselves, or for another; prescribing penalties for violation hereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1003, A bill to be entitled "An Act to fix the salaries and compensation of County Commissioners in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000.00) Dollars nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000.00) Dollars taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, and providing for payment of such salaries and the funds from which such salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1005, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or wild turkey or molest same in Red River County for a period of five (5) years; providing a penalty; repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1009, A bill to be entitled "An Act amending Article 600a, Section 36, Revised Civil Statutes of 1925, as amended, Acts, 1937, Forty-fifth Legislature, Senate Bill No. 142, Section 2, so as to provide that in no event shall the expenditure for the administration of this Act exceed Sixty-five Thousand (\$65,000.00) Dollars for any one fiscal year, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1012, A bill to be entitled "An Act validating county line common school districts and county line consolidated common school districts in this State; validating all acts of the Board or Boards of Trustees in such districts; validating acts of County Commissioners' Courts in ordering an election; validating all acts of County Judges in ordering elections; validating all acts of officials declaring the results of such elections; validating all bonds issued now outstanding; validating all tax levies heretofore made; and all bonds heretofore authorized or heretofore voted but not yet issued; validating all orders, notices and things requested in the authorization and issuance of bonds; validating the sale, execution and delivery thereof; validating each and every procedural act heretofore done or performed in the organization, management, control, and operation of such school districts, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1019, A bill to be entitled

"An Act amending Section 4 of Chapter 478 of the Regular Session of the Forty-fifth Legislature, 1937, same being House Bill No. 144; providing for an appropriation from the Architect's Registration Fund to pay salaries, compensations, and other expense of the Board of Architectural Engineers; providing certain excess funds to be diverted to the General Revenue Fund of the State; providing salary of the Secretary-Treasurer and certain compensations to other members of said Board, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1021, A bill to be entitled "An Act making it unlawful to use or possess oyster dredges in or on certain waters of Copano Bay, with exceptions; providing the Game, Fish and Oyster Commission may issue permits to use dredges to improve reefs, and that this Act does not apply to privately owned reefs; providing that United States Geodetic Maps are admissible in case of prosecution for violation of fish and oyster laws; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1024, A bill to be entitled "An Act to amend Chapter 105 of the Special Laws passed by the Thirty-third Legislature at its Regular Session in 1913, as amended by Chapter 55, Special Laws of the Forty-third Legislature, Second Called Session, same being a road law for Jackson County, Texas, by adding thereto Sections 5a, 5b, and 5c, creating Road District No. 12, Jackson County, Texas, defining and specifi-

cally setting out its boundaries, including therein a portion of Road District No. 1, of said County; authorizing the Commissioners' Court to continue to levy an ad valorem tax for the payment of the principal and interest on all outstanding bonds of the former district embraced within Road District No. 12 herein created; authorizing the issuance of bonds by the newly created Road District in the manner and at such times as provided by the General Laws of Texas, for the issuance of bonds by road districts, and in conformity with Article 3, Section 52 of the State Constitution, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1029, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or wild turkey or molest same in Liberty County for a period of five (5) years; providing a penalty; repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1030, A bill to be entitled "An Act amending Article 3902, Section 1, of the Revised Civil Statutes of 1925, by adding Section 1a, providing for salaries of heads of departments which may be appointed by the Commissioners' Courts of counties having a population of not less than nineteen thousand and five hundred (19,500) and not more than nineteen thousand and nine hundred (19,900), according to the last Federal Census, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1043, A bill to be entitled "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all of those counties of Texas coming within the brackets and population figures herein—specifically, in all those counties having not less than seventy-seven thousand (77,000) and not more than seventy-seven thousand, six hundred (77,600); and in all those counties having not less than fifty-one thousand, seven hundred seventy (51,770) and not more than fifty-one thousand, eight hundred (51,800); and in all those counties having not less than twelve thousand, one hundred ninety (12,190) and not more than twelve thousand, two hundred (12,200); and in all counties having not less than thirteen thousand, four hundred (13,400) and not more than thirteen thousand, five hundred (13,500), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1046, A bill to be entitled "An Act to validate and confirm certain actions and proceedings of the Texas Old Age Assistance Commission and the Governor, Comptroller, and Treasurer of the State of Texas, with respect to the authorization and issuance of warrants for old age assistance under Section 51-b of Article 3 of the Constitution and contracting for the payment of interest on warrants purchased and cashed for the recipients at the request of the Commission and to the authorization and execution of interest-bearing State of Texas Treasury certificates to be issued in exchange for warrants so purchased and to validate and confirm such warrants and certificates as a prior charge on the Texas Old

Age Assistance Fund, to validate the appropriation therefor and to make other provisions relating thereto, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1050, A bill to be entitled "An Act to amend Chapter 3 of Title 128 of the Revised Statutes of 1925, relating to water control and preservation districts by providing that lands in any such district lying within or adjoining the territorial limits of an incorporated city or town, which was not included in such district at time of the organization of such district, and which lands have been subdivided into town lots and blocks, with streets or other thoroughfares dedicated to the use of the public, and of which a map and such dedication has been duly filed for record with the County Clerk of the county in which lands are situated, may be discontinued as part of such district; providing that the Board of Directors may pass resolutions excluding such territory; providing that the owners of such lands may petition the district for an election to determine the question of whether the lands shall be withdrawn, and for the holding of such an election and providing that lands so withdrawn shall no longer be entitled to be served with water from the irrigation system, and that such lands shall be charged with their pro rata part of existing indebtedness of the said district, and providing that the owner or owners of such lands may pay the total of their pro rata at any time."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1052, A bill to be entitled "An Act validating the subdivision of common county line school districts partly situated in two (2) counties,

the supervision of said schools being located in counties having a population of not less than thirty thousand, ten (30,010) and not more than thirty thousand, thirty (30,030), as shown by the last preceding Federal Census; validating the acts of the County School Boards of Trustees of such counties in annexation of such subdivided territory to adjoining school districts in their respective counties; validating the acts of County School Boards of Trustees of such county; validating all elections, tax assessments, assessment rolls, tax rolls, and the levy of taxes by said districts; validating all proceedings had in the issuance of bonds and the levy of taxes therefor; validating the issuance of refunding bonds for the purpose of the assumption of bonded indebtedness of such county line school districts; provided a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1056, A bill to be entitled "An Act making an appropriation of Thirteen Thousand (\$13,000.00) Dollars, or so much thereof as may be necessary, out of the Professional Engineers Fund on deposit in the State Treasury, to pay certain expenses prior to the end of the fiscal year, August 31, 1939, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1057, A bill to be entitled "An Act to amend Article 954, Code of Criminal Procedure, to authorize the Governor to remit fines, forfeitures of recognizances and bail bonds, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1058, A bill to be entitled "An Act creating a Special Road Law for Orange County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of March 1st, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, or time warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the County Officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1059, A bill to be entitled "An Act to amend House Bill No. 137, Second Called Session, Forty-fifth Legislature, to provide that fish propagated because of expenditures made from the Medina Lake Fund may be distributed to any of the waters of Medina County, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1061, A bill to be entitled "An Act providing amount of pay-

ment to the Executive Committee, in order to have the name placed on official ballot for Representative and Floterial Representative in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1062, A bill to be entitled "An Act declaring a two (2) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1063, A bill to be entitled "An Act to amend Article 2687 of the Revised Public School Laws of Texas, relating to meetings and salaries of County School Board members. Providing a salary of Five (\$5.00) Dollars per day, upon the approval of the County Superintendent and a majority of the County Board members, in counties with a population of not less than thirty-two thousand, four hundred (32,400) and not more than thirty-two thousand, eight hundred (32,800), according to the last Federal Census."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1067, A bill to be entitled "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance

companies and other concerns, officials and persons, as mentioned on the Act, and for public funds, including sinking funds of cities, school districts and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of such public funds and sufficient security, to the extent of their value, for such deposits; providing that a finding of unconstitutionality of any part of this Act shall not affect the remainder, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1070, A bill to be entitled "An Act amending Article 1115 of the Revised Civil Statutes of 1925 by adding as Article 1115-A, provisions for the ratification and validation of the Board of Trustees heretofore created or attempted to be created by any city or town for the owning and operating of city-owned utilities; and providing that such Board of Trustees may have management and control of such systems by ordinance, so long as any of the revenue bonds shall be outstanding and unpaid; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1071, A bill to be entitled "An Act amending Article 2351 of the Revised Civil Statutes of 1925 by adding thereto Section 16, providing that Commissioners' Courts may use county road machinery and funds from the General Fund or Road and Bridge Funds in cleaning streams and in aiding flood control when said Court decides such improvements will be of aid to the county in the maintenance and the building of county roads, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1072, A bill to be entitled "An Act amending House Bill No. 813, making it unlawful to hunt, shoot, or kill any deer or wild turkey for a period of five (5) years in Somervell, Coryell, Hamilton, Erath, Hood, and Johnson Counties, Texas; providing penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 83, A bill to be entitled "An Act providing for the enforced collection of delinquent taxes due to incorporated cities and towns and independent school districts, and providing for City Councils and Board of Trustees for independent school districts to enter into contracts for the collections of their delinquent taxes, paying therefor a percentage of the taxes collected, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1045, A bill to be entitled "An Act giving the Commissioners' Courts authority to fix the salary of the County Judge, Tax Assessor-Collector, County Clerk, District Clerk, Sheriff, and Criminal District Attorney in all counties in this State having a population of not less than thirty thousand and nine hundred (30,900) nor more than thirty-one thousand (31,000), according to the last preceding Federal Census; prescribing the minimum salary; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the

conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 56, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being House Bill No. 847, passed by the Forty-second Legislature of the State of Texas as appears from page 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 89, A bill to be entitled "An Act providing for declaratory judgments; specifying the situations to which the Act applies; providing for construction of contracts before breach; making the Act applicable to estates and fiduciary relationships; providing that enumerated powers shall not restrict general powers; vesting discretion in court in exercising powers conferred in this Act; providing for procedure and appeals, supplementary relief, jury trial of facts, and assessing costs; specifying parties who shall be affected; declaring the purpose of the Act, defining terms; providing for a short title, providing for severability of provisions, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 140, A bill to be entitled "An Act to amend Article 6205 of the Revised Civil Statutes of 1925 of

the State of Texas, as amended by the Thirty-ninth Legislature, page 222, Chapter 69, and by the Forty-first Legislature, page 330, Chapter 153, Section 1, and by the Forty-first Legislature, Fifth Called Session, page 251, Chapter 82, Section 1, and by the Forty-fifth Legislature, Acts of 1937, House Bill No. 261, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 579, A bill to be entitled "An Act amending Sections 3, 4, 5 and 7 of Chapter 97, Acts of the Regular Session of the Forty-fourth Legislature of the State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 652, A bill to be entitled "An Act amending Article 297 of the Penal Code of Texas, of 1925, as amended by Act of the Forty-fourth Legislature in 1935, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 684, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political subdivision of the State may be payable at the office of the State Treasurer; designating and constituting the State Treasurer, Ex-officio Treasurer and fiscal agent of such municipalities and political subdivisions for such purposes; providing for the deposit and payment of funds

by municipalities and political subdivisions with the State Treasurer for such purposes; providing that the State Treasurer shall cancel and return coupons and bonds that have matured or have been retired by purchase and shall at the request of the municipality or political subdivision remit balances remaining on hand for two years for which bonds have not been presented for payment, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 741, A bill to be entitled "An Act changing the name of the Girls' Training School to be hereafter known as the Gainesville State School for Girls."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 878, A bill to be entitled "An Act to amend Section 1, of Senate Bill No. 94, Second Called Session of the Thirty-eighth Legislature, Chapter 7, Special Laws of 1923."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 140, Instructing the Enrolling Clerk of the Senate to make certain changes in Senate Bill No. 220.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 141, Instructing the Enrolling Clerk of the House to strike out in House Bill No. 997 from line 4 of Section 1 of the bill, the words "in said County" and insert in lieu thereof the following: "in Kerr County, Texas".

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 603, "An Act granting permission to John Albert Jordan to bring suit against the State of Texas, in a court of competent jurisdiction, to wit: the District Court of Rusk County, for damages for personal injuries received by him while a student in the Deaf and Dumb School of the State of Texas, and which injuries are alleged to have produced damages to the said John Albert Jordan; providing that any judgment so recovered to be paid out of the funds of the State of Texas; providing that if any provisions of this Act shall be invalid, that validity of the other provisions thereof shall not be affected, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 869, "An Act prohibiting the liberation of wild fox in Parker County; providing a suitable penalty for any violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 938, "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkey for a period of three (3) years in Taylor County, Texas; fixing penalties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 996, "An Act applicable to the County of Kimble, State of Texas, providing the method for taking fish from the public waters of Kimble County, Texas; permitting the use of a minnow seine of a certain size; providing possession of tackle shall be evidence of violation; providing legal length of fish; making sale of fish unlawful; limiting number of minnows to be transported beyond the borders of said County; providing the daily bag limit of fish; providing for a closed season in said County; providing penalties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1014, "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.



Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1028, "An Act providing that certain independent school districts in certain counties shall remain independent school districts for all purposes regardless of decrease in scholastic population, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 89, Granting permission to Tilford Moore to sue the State of Texas, and/or State Highway Department.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 136, Requesting the State Highway Department to lend certain machinery and implements

necessary for road construction in the City of Franklin in Robertson County.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, May 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 137, Granting Hon. Terry Dickens, Judge of the Eighty-second Judicial District Court of Texas, permission to leave the State.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

#### SENT TO THE GOVERNOR

May 10, 1939

House Bill No. 456.

House Bill No. 869.

House Bill No. 1028.

House Bill No. 603.

House Bill No. 938.

House Bill No. 1038.

House Concurrent Resolution No. 136.

House Concurrent Resolution No. 137.

House Concurrent Resolution No. 130.

House Concurrent Resolution No. 90.

House Concurrent Resolution No. 121.

**In Memory of**  
**Juanita McGown**

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Mr. Westbrook offered the following resolution:

H. S. R. No. 275, In memory of Juanita McGown.

Whereas, The Bible in many instances shows that our Lord has definitely expressed and demonstrated His tender and compassionate love for little children; and

Whereas, He has seen fit to call from this life a beautiful character, Juanita, the nineteen months old daughter of Mr. and Mrs. J. Peyton McGown of Hemphill, Texas; and

Whereas, In spite of all that skill and loving hands could do, this precious baby has taken its flight "safe in the arms of Jesus"; and

Whereas, Though these comforting thoughts and memories are ever present, yet we know that these fine parents are now going through a very sad and trying experience over such a great loss since their family circle is now broken; now, therefore, be it

Resolved, That the House of Representatives do hereby express and extend to the parents of baby Juanita our deep and sincere sympathy and condolence in the passing of this beautiful character and precious flower of the home of Mr. and Mrs. McGown; and, be it further

Resolved, That when the House adjourns today it do so in respect to the memory of Juanita McGown and that a copy of this resolution under the seal of the Chief Clerk of the House of Representatives be sent to Mr. and Mrs. J. Peyton McGown, the parents of the deceased.

WESTBROOK.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridges, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurtry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Segrist, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

**In Memory of**  
**Mr. T. J. Cleveland**

---

Mr. Hamilton offered the following resolution:

H. S. R. No. 276, In memory of Mr. T. J. Cleveland.

Whereas, The Members of the House of Representatives have learned with regret of the untimely death this morning of Mr. T. J. Cleveland, an honorable and esteemed citizen of Hays County; and

Whereas, The deceased was the brother of our esteemed Member and colleague, the Honorable E. J. Cleveland; and

Whereas, The deceased was a man possessing a most lovable, admirable personality and splendid traits of character; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Members thereof regret exceedingly the untimely passing of this worthy man and deeply sympathize with his bereaved family in this their hour of sadness and sorrow; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today, and when the House adjourns today that it do so in respect and in memory of the deceased; and, be it further.

Resolved, That a suitable floral offering be sent to the funeral and copies of this resolution, under the gold seal of the House of Representatives, be sent to the members of the family.

HAMILTON,  
SEGRIST,  
CAUTHORN,  
McALISTER,  
DOWELL,  
THORNTON,  
LANGDON,  
READER of Bexar.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Celaya, Chambers, Clark, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghev, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Lehman, Leonard, Levendecker, Little, Lock, Loggins, London, Mays, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Fielden, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.